SENATE—*Tuesday, July 31, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

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

Sovereign God of our Nation, we ask You for the supernatural gift of wisdom. In the Bible You tell us wisdom is more precious than rubies, more important than riches and honors. Solomon called wisdom a tree of life to those who lay hold of it. Your gift of wisdom enables true success, righteousness, justice, and equity. The Talmud reminds us that with wisdom, we can turn our lives back to You in authentic repentance and commit ourselves to do the good deeds that You guide.

James, the brother of Jesus, extends Your clear invitation to receive wisdom: ''If any of you lacks wisdom, let him ask of God, who gives to all liberally and without reproach, and it will be given to him.''—James 1:5. Bless the women and men of this Senate with a special measure of wisdom today.

We are grateful for the immense contribution to the Senate of the leadership of Sergeant at Arms Jim Ziglar. Thank You for his friendship, his outstanding executive skills, and his commitment to excellence in all he does. Bless him as he moves on to new opportunities and challenges in his ongoing dedication to serve You in government. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 31, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, today the Senate will resume consideration of the Agriculture supplemental authorizations bill. Senator LUGAR, under a previous order entered, will be recognized to offer the House-passed act as an amendment or, in fact, whatever he desires to offer. Rollcall votes will occur on amendments throughout the day. The Senate will be in recess today, as is normal on a Tuesday, from 12:30 to 2:15 for our weekly party conferences.

The majority leader, Senator DASCHLE, has asked me to announce that he wishes to complete this bill this week, also the Transportation Appropriations Act, the VA–HUD appropriations, and the export administration bill.

JIM ZIGLAR

Mr. REID. I would just say, Madam President, quickly, that I appreciate very much the prayer of the Chaplain today mentioning Jim Ziglar. When he came to the Senate he had been a longtime friend of the majority leader, Senator LOTT. A lot of us were somewhat anxious that he would be an extreme partisan. Senator LOTT did very well in choosing Jim Ziglar.

Jim Ziglar has a brilliant mind. He has an outstanding law school record. And he served as a clerk in the U.S. Supreme Court to Justice Blackmun. He was in the private sector where he did extremely well. As Sergeant at Arms, he was an exemplary member of the Senate family. I know that as the leader of the Immigration and Naturalization Service he will bring vigor and intelligence and responsibility to that most important office.

So I appreciate very much the prayer of the Chaplain today mentioning Jim Ziglar, who has become a friend to all of us.

RESERVATION OF LEADER TIME

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

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1246, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Indiana, Mr. LUGAR, is recognized to offer an amendment.

AMENDMENT NO. 1190

Mr. LUGAR. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

Mr. LUGAR. I ask unanimous consent that the amendment not be read in full.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment by number.

The senior assistant bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1190.

The amendment is as follows:

(Purpose: To provide a substitute amendment)

Strike everything after the enacting clause and insert the following:

SECTION 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, use $4,622,240,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2001 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2001 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $423,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of quota peanuts or additional peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payment under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Secretary shall use $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387), to producers of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use $84,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 204(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers and first-handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 7. SPECIALTY CROPS.

(A) BASE STATE GRANTS.—The Secretary shall use $26,000,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(1) $500,000 to each of the several States; and

(2) $1,000,000 to the Commonwealth of Puerto Rico.

(b) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $133,400,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount that represents the proportion of the value of specialty crop production in the State in relation to the national value of specialty crop production, as follows:

(1) California, $63,320,000.
(2) Florida, $16,860,000.
(3) Washington, $9,610,000.
(4) Idaho, $43,670,000.
(5) Arizona, $3,430,000
(6) Michigan, $3,250,000.
(7) Oregon, $3,220,000.
(8) Georgia, $2,730,000.
(9) Texas, $2,660,000.
(10) New York, $2,660,000.
(11) Wisconsin, $2,570,000.
(12) North Carolina, $1,540,000.
(13) Colorado, $41,510,000.
(14) North Dakota, $1,380,000.
(15) Minnesota, $1,320,000.
(16) Hawaii, $1,150,000.
(17) New Jersey, $1,100,000.
(18) Pennsylvania, $980,000.
(19) New Mexico, $900,000.
(20) Maine, $880,000.
(21) Ohio, $800,000.
(22) Indiana, $660,000.
(23) Nebraska, $640,000.
(24) Massachusetts, $640,000.
(25) Virginia, $620,000.
(26) Maryland, $500,000.
(27) Louisiana, $460,000.
(28) South Carolina, $440,000.
(29) Tennessee, $400,000.
(30) Illinois, $400,000.
(31) Oklahoma, $390,000.
(32) Alabama, $300,000.
(33) Delaware, $290,000.
(34) Mississippi, $250,000.
(35) Kansas, $210,000.
(36) Arkansas, $210,000.
(37) Missouri, $210,000.
(38) Connecticut, $180,000.
(39) Utah, $140,000.
(40) Montana, $140,000.
(41) New Hampshire, $120,000.
(42) Nevada, $120,000.
(43) Vermont, $120,000.
(44) Iowa, $100,000.
(45) West Virginia, $90,000.
(46) Wyoming, $70,000.
(47) Kentucky, $60,000.
(48) South Dakota, $40,000.
(49) Rhode Island, $40,000.
(50) Alaska, $20,000.

(c) SPECIALTY CROP PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops in the use of the grant funds.

(d) SPECIALTY CROP DEFINED.—In this section, the term ''specialty crop'' means any agricultural crop, except wheat, feed grains, oil-seeds, cotton, rice, peanuts, and tobacco.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States to be used by the States to cover direct and indirect costs related to the processing, transportation, and distribution of commodities to eligible recipient agencies. The grants shall be allocated to States in the manner provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)).

SEC. 9. TECHNICAL CORRECTION REGARDING INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

(a) CONDITIONS ON PAYMENT TO STATE.—Subsection (b) of section 1121 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277 (7 U.S.C. 1421 note), and as amended by section 754 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–42), is amended to read as follows:

''(b) CONDITIONS ON PAYMENT TO STATE.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

''(1) contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2001 (or as soon as administratively practical thereafter), to provide compensation to cotton producers as provided in such subsection;

''(2) requires the recipient of a payment from the indemnity fund to repay the State, for deposit in the indemnity fund, the amount of any duplicate payment the recipient otherwise recovers for such loss of cotton, or the loss of proceeds from the sale of cotton, up to the amount of the payment from the indemnity fund; and

''(3) agrees to deposit in the indemnity fund the proceeds of any bond collected by the State for the benefit of recipients of payments from the indemnity fund, to the extent of such payments.''.

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—Subsection (d) of such section is amended to read as follows:

''(d) ADDITIONAL DISBURSEMENT TO COTTON GINNERS.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a contingent claim, as defined and provided in section 5.1 of chapter 19 of title 2 of the Official Code of Georgia), to compensate cotton ginners (as defined and provided in such section) that—

''(1) incurred a loss as the result of—

''(A) the business failure of any cotton buyer doing business in Georgia; or

''(B) the failure or refusal of any such cotton buyer to pay the contracted price that had been agreed upon by the ginner and the buyer for cotton grown in Georgia on or after January 1, 1997, and had been purchased or contracted by the ginner from cotton producers in Georgia;

''(2) paid cotton producers the amount which the cotton ginner had agreed to pay for such cotton received from such cotton producers in Georgia; and

''(3) satisfy the procedural requirements and deadlines specified in chapter 19 of title 2 of the Official Code of Georgia applicable to cotton ginner claims.''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''Upon the establishment of the indemnity fund, and not later than October 1, 1999, the'' and inserting ''The''.

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive for one or more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2001 crop year may not exceed $150,000.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.

(b) TOTAL AMOUNT OF EXPENDITURES.—The total amount expended under this Act may not exceed $5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act,

the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Indiana.

Mr. LUGAR. Mr. President, I appreciate the agreement arrived at by the distinguished majority leader and the Republican leader for the beginning of this debate on the supplemental farm emergency amendment.

I cannot emphasize, as the Chair knows as a member of the Senate Agriculture Committee, the importance of this moment for agricultural America, for those who have hopes that we will be successful in this endeavor. I simply pay tribute to our leadership on both sides of the aisle for attempting to frame the debate in this way: by beginning with giving me this opportunity to offer an amendment.

Let me be clear that the bill before the Senate now came by majority vote from the Senate Agriculture Committee. For Members who have followed the debate yesterday—and for those who have not—we had a full debate in the committee during which I offered a substitute amendment to that offered by our distinguished chairman, the Senator from Iowa. Essentially, my amendment called for the expenditure of $5.5 billion. It was apportioned through a number of items, about $5 billion-plus of that through the so-called AMTA payments, these payments that have been made to farmers who, as part of the farm program, have had program crops in the last several years.

It has been the responsibility of the Senate and the House—our Government—to make additional AMTA payments in recent years in addition to those provided by the farm bill in 1996. The reason we have chosen the AMTA framework is that the farmers to be paid are known, their names and the addresses of these farms. They have been a part of the program. As a result, their crop histories are expeditious.

Members of the committee from time to time have raised questions as to: Why these farmers? Why should people who are in corn, wheat, cotton, and rice be the recipients? There is no equitable answer to that. Most of these debates have occurred in an emergency context such as the one we now have.

This is July 31. By definition of the fiscal year, the payments have to be cut and received by September 30. So as a result, for programs that do not have an AMTA history and which are not clear about the criteria or the recipients, those checks cannot physically get there by the 30th.

We found last year, in making a larger list of recipients, that a large list of new program procedures had to be formulated by the Department of Agriculture. That happened, and in due course the checks were cut, but frequently it was a hiatus of 6, 7, 8, 9 months. That is a part of the issue today. We are talking about the fiscal year we are in that ends September 30 and how money might be received by farmers.

Farmers listening to the debate are very interested in this. The testimony we have heard is that they are counting in many cases upon these payments. More to the point, many of our country bankers are counting on these payments, counting on meeting with farmers to settle planting loans from this season's planting and the hope; therefore, that there might be loans for planting next year in the case of farms that are in that situation, literally, needing loans from year to year to continue on in business. That is why there is an emergency aspect involved.

I have sought recognition this morning at the early part of the debate because I sense that we may be successful, and I have some premonition of disaster if we are not, as I read in the press, in the newsletters, in all of the communications that come to us about all the ways in which this particular debate might go. I will not try to be a prophet. My own optimistic spirit is that the debate will go in a constructive way, and that is the purpose of this amendment.

I will not offer the amendment this morning, though I offered it in committee. It did have a limit of $5.5 billion. I thought it was reasonably well constructed as a compromise of various interests within the committee.

Instead, the amendment I have sent to the desk—and I ask for its immediate consideration—is the identical language of legislation that came from the House of Representatives. It is a bill already adopted by our friends in the House Agriculture Committee and the House of Representatives as a whole. It is passed. At some point, probably very quickly, we will have to come to grips—this week, for example—with what we will do if we pass legislation different from that which the House has passed.

The conventional wisdom is, of course, we would have a conference between Members of the House and Senate. We would try to reconcile our differences. We would report back to the two bodies at some time during this week. Presumably because of the emergency, priority would be given to this conference report. Hopefully, both Houses would pass what we do and send it to the President.

The President has left no doubt what he will do if in fact this comes to him in some form with a pricetag higher than $5.5 billion, all to be spent in this fiscal year. We had, first of all, at the time of our committee debates, a letter from Mitch Daniels, Director of the Office of Management and Budget. Mr. Daniels said he would not recommend that the President sign a bill of more than $5.5 billion in this fiscal year.

That was fairly mild in comparison to the letter read on the floor by the distinguished Senator from Pennsylvania yesterday, which was received by many Members and which, after a lot of conversation, including the President of the United States, rather vividly in much of it—the letter came to us and said the senior advisers of the President would advise him to veto the bill if it has more than $5.5 billion and extends beyond this year. They gave reasons for that, and these are debatable, and I am sure we will hear debate about them.

Madam President, there is no doubt in my mind, nor should there be in the minds of other Senators or of the farmers in this country or of anybody listening to this debate, what is going to occur in the event we finally come to a conference and we have a result other than something less or $5.5 billion.

That being the case, I have suggested to the Senate, and in fact taken the action of offering it as an amendment, that if we are serious about coming to a conclusion on this farm bill, we had best at this point adopt the House language. This is not my language. It is not pride of authorship. It is not my way or no way. I have already had a try at it and lost 12–9 in the Ag Committee on what I thought was a pretty good suggestion. That is another day.

We are now in Tuesday of presumably our final week. The distinguished majority leader has said we are going to stay at this, not just this week and this weekend but until we pass a bill. I have no doubt we will pass a bill. The point I am making is, it had better be one the President will sign or at the end of the trail we will not have legislation. We will have an issue. Members may say: The President was wrong; he should not have done that. The President and his supporters will affirm that he was absolutely right.

The net effect, however, for farmers listening to all of that, as we sort out the relative praise and blame, will be that they have no money. That I start the debate with and will probably repeat several times because it is a very critical element.

If the House bill which I have offered today as an amendment did not have a

lot of merit, I would not have taken the step this morning to suggest to my colleagues they adopt something that was without the merit at least that I believe it has.

I want to offer, as introduction to the discussion of this House bill and my amendment, a letter that was received yesterday by TRENT LOTT, our Republican leader. It was written by three distinguished Members of the House of Representatives; namely, CHARLIE STENHOLM, the distinguished ranking member of the Agriculture Committee from Texas; JOHN BOEHNER from Ohio; and CAL DOOLEY from California. They essentially were authors and major advocates in the House of the legislation that finally emerged. They say:

> It is our understanding the Senate will begin floor consideration this week on the Fiscal Year 2001 Agricultural Supplemental Assistance bill. We are writing to urge the Senate to stay within $5.5 billion provided for FY2001 in the budget and to approve this measure immediately in order to provide the assistance prior to September 30, 2001 as required by the 2002 Budget Agreement.
>
> As you know, the House reported a bill that will spend $5.5 billion to assist our farmers and ranchers this fiscal year. After much debate in the House Agriculture Committee, we determined that spending more than $5.5 billion would limit our flexibility as we write the 2002 Farm Bill. We believe that if we spend more than the money allowed for fiscal year 2001, we will be borrowing against American agriculture's best chance for a comprehensive safety net.
>
> Last week the House Agriculture Committee approved a landmark farm bill that will provide a safety net for our farmers, fund conservation at an unprecedented levels and renew our commitment to needy families. Passage of agricultural assistance legislation beyond $5.5 billion will imperil these critical needs.
>
> We urge you to remain within the $5.5 billion so that we can provide long-term solutions for America's farmers and ranchers. Thank you in advance for your consideration of this request.

It is signed by the three distinguished Members.

We likewise, Madam President, heard from a good number of our colleagues on the floor yesterday that they appreciate the point of the House. They disagree with it—and Members will disagree with a number of our approaches—in part because all are compromises between interests that have a lot of merit.

For example, in the amendment I offered in committee, the AMTA payment was somewhat over $5 billion. In the amendment we are looking at today, the House legislation, the AMTA payment is somewhat better than $4.6 billion—about $400 million less. Legislation offered by the distinguished chairman of our committee, Senator HARKIN, offers about $400 million more in the end.

If we take an example, for the corn farmer—and I admitted yesterday I am one—this is bad news. Moving from, say, $5.4 billion, or some such figure in the AMTA payment, even to $5 billion is difficult, and $4.6 billion is very difficult; likewise, wheat farmers, cotton farmers, rice farmers. What goes on here? In the old days, the only crops we were talking about were the program crops as I outlined yesterday that started in the 1930s. That is the way it has been all these years.

Now suddenly, in a $5.5 billion bill only $4.6-plus billion is devoted to us. After all, we farm the majority of the acreage and, in terms of crops, the majority of the value.

Livestock producers would say: Welcome. We were never in on the deal to begin with. Program crops meant crops. They did not mean hogs and cattle and sheep. In fact, we will take a look at this situation. We are already in some anxiety as, say, cattlemen and people who produce pork, as we heard in our committee last week.

What do these programs do to feed costs? Is there an input problem for us already in what agriculture committees have been doing cumulatively? We thought there might be, and that would be bad news if one were getting no AMTA payment or consideration. In fact, we are seeing potential costs increase in the programs to help various people.

My only point is within American agriculture there are many diverse, even competing, views among those who produce livestock, feed livestock, and those who produce the feed. If there was one integrated operation, perhaps it all works out, but as we have heard, many farmers in America do one or another or various things. So they are all going to look at this bill and say: What is in this for us?

The amendment I have offered will be a disappointment in that respect because it is a compromise. It suggests that in order to accommodate a number of interests, and some say even in the House bill not nearly enough, there is some division of what might be coming in a more whole form in the AMTA payment.

I make that point explicitly because on our side of the aisle I have heard Senators say they want the bigger AMTA payment. I am not so worried about specialty crops or about poultry or livestock. As a matter of fact, I am worried about cotton farmers, rice farmers, wheat farmers, and corn farmers. I understand that. As a matter of fact, this is a part of the business of legislation, trying to find and meld these competing interests.

In any event, we have that predicament at the outset, which I admit. As I said at the beginning, I offered the amendment because I see this potentially as a way in which we will have a bill. I fear if we do not have a solution along those lines we will not have a bill.

Let me go explicitly into the amendment that has been offered this morning. As was suggested by our distinguished Members of the House, whose letter I read, led by Congressmen STENHOLM, BOEHNER, and DOOLEY, on June 26, the House passed H.R. 2213, which provided for $5.5 billion in broad-based market loss assistance to the Nation's farmers and ranchers. The assistance must be provided to farmers by September 30 of this year, the last day of fiscal year 2001.

This market loss assistance is above and beyond $21.7 billion in payments in fiscal year 2001 that the Congressional Budget Office now estimates is already being provided to farmers in this fiscal year under current law commodities support and crop insurance programs. Excluding the new farm assistance we are now considering, the Agriculture Department projects United States net cash farm income for 2001 at $52.3 billion, down $3 billion from last year's $55.3 billion.

As I mentioned in the debate yesterday, herein lies the reason at least the Budget Committees of the Senate and the House allocated the $5.5 billion for this year. They saw a gap. As I recall, they estimated the gap then, in January and February, at $3 billion or $4 billion. With updated figures, we now see an estimate that there is about a $3 billion gap between the $52.3 billion in net cash income last year and what was expected for this year.

Farm income last year was supported by nearly $23 billion in direct payments to farmers, which at that time was an all-time high. If we enact H.R. 2213, the amendment I have offered, in a timely fashion, net cash farm income for this year, based on the current USDA projection, would rise to $57.8 billion, $2.5 billion above last year's level. We will have made up the $3 billion gap and exceeded that by $2.5 billion with a $5.5 billion expenditure.

H.R. 2213 provides for $4.622 billion in supplemental market loss payments. These are payments to producers enrolled in the 1996 farm bill's Agriculture Market Transition Act, the AMTA acronym. These farmers have contracts, and the bill says the payments come to them throughout the entirety of the 7 years of the bill. That is the AMTA payment, $4.622 billion.

The second provision is $424 million in market loss payments to producers of soybeans and other oilseeds. My first question on this provision was: How will the $424 million in these market loss payments to the soybean and oilseed producers get to them by September 30? The answer to that question, and that will be roughly the same answer but I will be explicit all the way through this list, is they are the same producers who received the money last year.

It was not easy to make the payments last year, and this called for an enormous amount of research and guidance through the whole process, but

the results of all of that activity are that there is now a list. The expedition of the payments will be the $424 million goes to those same people and can be paid, if we make a decision to act this week, by September 30.

Next comes $159 million in assistance to producers of specialty crops such as fruits and vegetables. Here we do not have lists of who received the money last year, and therefore the provision in the House bill is there would be grants to the States. Now, the States will have to work out who gets the money within their States, but for the purposes of this act the money is dispensed by the Federal Government to the States before September 30. Therefore, technically, it is out of the Treasury before the fiscal year ends and fits within the $5.5 billion in that way.

That implies a great deal more activity, understandably, for equity for the specialty crops as it goes to the various States and farmers work with their State governments.

Then we have $129 million in market loss assistance for tobacco. This goes to quota holders, who are a well-known group, and payments have been made to these persons in the past.

The next provision is $54 million in market loss assistance for peanuts. Likewise, there are quota holders for peanuts, a well-known list for these producers. The money can be paid to them by September 30.

The same is true for the next provision, $85 million in market loss assistance for cotton seed; the same for $17 million in market loss assistance for wool and mohair producers; the final provision in the House bill is $10 million in emergency food assistance support. This emergency assistance support will go for commodities for the school lunch programs and other important and nutrition programs. Those moneys will be spent before September 30. These are the provisions of the House legislation. That is the total list of provisions.

H.R. 2213 utilizes the full $5.5 billion in fiscal year 2001 provided in this year's budget resolution for farm market loss assistance. It does not touch the $7.35 billion in fiscal year 2002 funds that the budget resolution also provides either for supplemental farm assistance for the 2002 crops or to help the Agriculture Committee write a new multiyear farm bill. That very statement is, of course, the source of some debate. There are Members who say: Why not reach into the $7.35 billion? After all, it is there. The Budget Committee certainly mentioned it. Perhaps the Budget Committee, in mentioning it, implied that the agricultural crisis goes on next year. As a matter of fact, one can suggest the Budget Committee, in talking about over $70 billion payments over 10 years, implies the crisis goes on forever, or at least for 10 years almost at the same level of crisis, maybe with a a few ups and downs, $10 billion payment one year, $5 billion the next, and so forth.

If we adopt this thinking, it makes almost no difference when the money is spent because the crisis goes on and people think if you can't pick it up in this bill, you might try the Agriculture appropriations bill and find an emergency there to provide additional funds.

Sponsored by Congressmen STENHOLM and BOEHNER, whom I mentioned before, the House bill finally represents a bipartisan compromise. It was not easy to come by. Stenholm-Boehner-Dooley, and others I have cited, had contending parties within the House Agriculture Committee. Many people, as I read the debate, asked, What about us? They mentioned various considerations: if we were sending money to farmers, they wanted their fair share, including the brokering of all of that, with payments that could be made physically by the end of this year.

It was not an easy task. Nevertheless, they mastered it in the House. It came out of committee well over a month ago. Their bill passed the House of Representatives by voice vote. Perhaps the House Members, by the time they listened to all of this debate, figured the Agriculture Committee people suffered enough; that they had undergone the agonies and did not want a repetition.

It is remarkable that this body takes a very different view. It appears we are going to have an extensive debate that may go on for days. The House people were able to do this by voice vote. One reason they did so is that they heard from farmers, they heard from their constituents, and the farmers said: Get on with it; we don't want an argument; we understand you are doing your very best. The House people understood most of the Members on the floor of the House were not farmers; they were advocates for farmers. They were doing the best for their constituents who were farmers, but at some point the constituents would say; don't overlawyer me; don't over advocate me; try to get on with a result because September 30 is coming quickly. Now, granted, such voices will be heard coming from agricultural America to this body.

As I indicated at the outset, and the reason I offer this amendment, this amendment offers, I believe, the opportunity to get a result. The bill before the Senate today, which I have sought to amend, represents a very different approach that came out of the Senate Agriculture Committee. The approach is that $1.976 billion in fiscal year 2002 would be spent in addition to the $5.5 billion in the current fiscal year. A significant portion, therefore, of the fiscal year 2002 budget authority is used to fund this farm bill provision as opposed to the emergency that may arise next year or the farm bill which presumably will come out of our committee and set some charter philosophy for the future. The House already passed such a bill. We may or may not agree with it. In any event, they have a pretty full picture now of their activities.

The bill offered by the distinguished chairman of our committee, Senator HARKIN, for example, provides $200 million for the wetlands reserve program, WRP; $250 million for the environmental quality incentive programs, EQIP; $40 million for the farmland protection program; $7 million for the wildlife habitat incentive program; $43 million for a variety of agricultural credit and rural development programs; and $3 million for agricultural research. The outlays from some of these programs would be spread over a number of years, well beyond fiscal year 2002.

I mention these programs because I support these programs. I have been a major advocate for agricultural research, not only of the formula grants to our great universities but cutting-edge research where anyone can compete to try to go out after the most pervasive hunger problems on Earth, or go after production problems, genetic problems, the whole raft of things that are very important for humanity. I think we ought to be about this in a very serious way. The EQIP program that I cited is extraordinarily important. It is at least a way in which our livestock producers can stay alive while meeting the requirements of the EPA or other environmental considerations that impinge very markedly on their operations. As we consider the farm bill in the Senate as a whole, I would be an advocate of doing a great deal more. I have saluted our chairman, Senator HARKIN, for his championship of conservation programs. Both the chairman and I, as we speak, are missing a hearing on conservation programs and we regret that because these are people who are in the field, championing things that we believe in very strongly.

There is an argument, which you will hear in due course as the farm bill is presented, between those who advocate a lot more for conservation and maybe less for crop payments and subsidies of that sort and much more for the EQIP program that helps livestock people and maybe less for support of certain crops. Those are the tradeoffs, again, and the difficulties within the whole agricultural family that we finally have to face. But it would be very difficult to argue, in the sense that we are attempting to get emergency money to farmers to pay the county banker and get the money to them by September 30, that these broad-gauged, important programs of research and conservation for America belong in this particular emergency supplemental bill.

Our distinguished Senators will offer: ''They certainly do. And why not?''

And: ''If we believe in them, why not do more of them?'' And: ''Why not now?''

Earlier in the debate I pointed out one reason, as a practical matter, is that President Bush has said he will veto the bill if it is more than $5.5 billion. One way, perhaps, for the distinguished Senator from Iowa to remedy that is to downsize everything in his package to about five-sevenths of where he is, get it under $5.5 billion. But that, of course, then gets into an argument between the people who want more AMTA payments, crop payments, as well as those who want to take care of conservation and various other aspects all in this same emergency bill which is not a full-scale farm bill by any means.

As a result, we have that dilemma, and I come down on the side of saying we try to do the conservation, the research, the EQIP, and the farm bill as opposed to the suggestion in this day's discussion.

Let me just comment further that, with the program improvements we made in the Agricultural Risk Protection Act of 2000—that was the very important debate on crop insurance—participation in crop insurance has risen sharply, as we hoped it would. Without repeating even a portion of that important debate, the point of last year's discussion about this time was that crop insurance can offer a comprehensive safety net.

For example, take once again a personal, anecdotal experience with my corn and soybean crops. This year I have about 200 acres each on the Lugar farm in Marion County in Indiana. We have taken advantage of the legislation we talked about last year and we purchased the 85-percent revenue protection. Very simply, this means that our agent takes a look at the last 5 years of records of production and that gives a pretty good baseline of what could be anticipated from those fields and, simply, we are guaranteed about 85 percent of revenue based upon the average crop prices for those 5 years. At the present time, the average for the last 5 years is higher than the current price. It may rise and meet that average.

So, as a corn farmer, for example, I know I am going to get 85 percent of a higher price than in fact is the market now, at least on the average production I have had. So I do not have the problems of the bad weather one year, or so forth, affecting that abnormally. The net effect of that is, as a corn farmer, before I even planted the crop this year, I knew that x number of dollars were at the end of the trail—as a matter of fact, a pretty good number of those dollars that I could expect in a reasonably good year. That is a safety net that is very substantial any way you look at it.

Many farmers may say: I have never heard of such a program.

That is a part of our problem, the educational component, trying to understand what crop insurance and marketing strategies, and so forth, are all about. For instance, once guaranteed this income from that cornfield, I could be alert for spikes in the market that come along and make forward sales of corn when prices were up. I am not beholden to sit there and hope the Lord will provide at the time I ship it in, in the fall. So I can enhance that 85 percent a whole lot. So can any corn farmer in America who hears these words this morning and adopts such a policy.

But we in the Senate and the House provided that. The President signed it last year. One of the problems of it is that it costs probably about $3 billion a year. I mention that because that—we are not debating that this morning—flows right along. It is a part of the base as well as these AMTA payments that are made, regardless of what we do, or the loan deficiency payments made at the elevator even as we speak.

So the safety net already is very heavy. But I mention with those improvements—and I think they were constructive ones—a part of our problem remains information dissemination, education on marketing insurance strategies in the hope that farmers will take advantage of actions the Congress has already taken.

In addition, as to what we do today, we will be hearing soon from the Agriculture Subcommittee of the Appropriations Committee. Typically, that subcommittee takes a look at miscellaneous disasters of all sorts throughout the United States. I cannot remember an Agriculture appropriations bill that did not take into consideration weather disasters. But sometimes there are other disasters. In other words, it provides still an additional safety net for events that seem extraordinary and beyond anything we have considered or that could have been helped with crop insurance or any of our AMTA payments that flow whether or not you even have a crop.

Overall, the bill of the distinguished Senator from Iowa, the underlying bill in this debate, provides $6.75 billion in supplemental farm assistance for 2001 crops and $750 million in other spending over 2 fiscal years. It leaves, now, $5.35 billion for the supplemental farm assistance of next year and very likely, in my judgment, will create a funding shortfall for that farm assistance. Senators can argue maybe no assistance will be required so why not try it this year. But that is a value judgment.

The President, the White House, and others, have come to the conclusion that this year is this year and we ought to look at next year on its merits because any way you look at it, $2 billion borrowed from next year theoretically could be spent for anything in America; there is no obligation to spend that $2 billion on emergencies. For example, without getting into a debate that is deeper than I want to get today, by next year people could say: In fact we take very seriously the problem of prescription drugs for the elderly under Medicare. We take very seriously Social Security reform. How are you folks going to pay for that?

We might say: Well, the $2 billion will never be missed. It was simply a part of a debate we had awhile back. But every $1 billion is going to be missed when we come to those fundamental issues.

Agriculture is a part of this general amount of $1 trillion that the President discussed in the State of the Union Address. As he outlined his assurance to the American people that we have to be thoughtful about Medicare, about Social Security, about education, and about health generally, he said there is still this contingency of about $1 trillion from which we make the reforms in Medicare, from which the supplementary legislation for prescription drugs for the elderly come, Social Security reform, and agriculture.

There are a number of people in both the House and the Senate committees who say we had better get busy because when this general debate gets going, if we have not pinned down the agriculture money on all four corners for the next 10 years, Katy bar the door. People are likely to take a look at priorities.

I understand that. This $2 billion reaching across the line is not an egregious misstep. And clearly one can argue the Budget Committee provided this liberal interpretation. But $2 billion is $2 billion, and it is an expenditure. The Senate must determine priorities; the House has. They have said $5.5 billion, and the President said that is the only figure he is going to sign. We may, once again, get into that kind of argument in behalf of farmers. We are strong advocates for farmers.

But farmers, by and large, will say: Pass the bill and cut the checks because we have an appointment with the banker. You can have your argument when you come back.

It is a good argument for farmers as well as for other Americans.

The President's advisers in advising the President to veto this bill made a number of statements with regard to the need for it at this time. This is an important part of the debate. Members, in fact, yesterday got into this in a big way. The most common way of getting into this is for a Senator to address the Chair and say, I have been to this county seat or that county seat or on my friend's farm. Anybody who does not understand the profound suffering and difficulty has just not been there and doesn't have eyes to see. All over America people are in grave trouble. Each one of us from a farm State, as a matter of fact, could cite hundreds of

instances of farmers who are having severe difficulty. There is no doubt about that. I simply state that as a basic premise for the debate.

If there were any doubt about it, we would not be debating $5.5 billion of emergency payments on top of over $20 billion of support that Congress has already voted. That is a lot of money, but I understand that a vast majority of Senators are in favor of legislation that would be helpful in this respect. We are not talking about a situation in which the needs have not been perceived, but at the same time in reality sometimes people can overstate this. That is always dangerous to do.

I have found in meetings with farmers around my State that, by and large, most people do not want to have a cheerful meeting. There are not a lot of good-news apostles coming forward and pointing out how well they are doing. In fact, that is totally out of the question.

I made a mistake at a meeting a while back in pointing out that on my farm we had made money for the last 45 years without exception. You don't do that, I found out. No one wants to hear that because, as a matter of fact, it just isn't true for most people. And they would say that for some it has never been true for the 45 years. They lost money for all of the 45 years, or at least essentially that is the case. I hear that.

On the other hand, let me say that essentially there has been some modest improvement in agricultural America. For example, world markets that are extremely important to the growth of the U.S. sector show some promise of increase this year. That is amazing on the face of it. The reason why our export sales fell out of bed 4 years ago was not because we were not competitive in this country. The price of rice and the quality were good, but anybody reading about the Asian economies understands that they had severe banking difficulties. The IMF even to this day has not been able to cure it in some instances. As a result, we lost about 40 percent of our exports to the Asian sector in 1 year's time. That was a big hit. That really meant that 10 percent of our exports overall vanished overnight—not through any misdeed of American agriculture but because of the lack of demand and lack of effective money to buy it. Much of that has not yet been restored. There is always the possibility. We wish that the Indonesian economy would get healthier in a hurry. We are grateful for some good news from Thailand and South Korea. The Japanese are always big customers but not any bigger. This is not an economy that is growing. We all are working with our friends there to try to restore some activity.

In the European case, we have been hit—not on the questions of price or income but on biotechnology—with essentially all of our corn being exported and very few soybeans. That is a real problem.

Our export sales fell to $49 billion in 1999 but are forecast to increase to $53.5 billion in 2001—an increase of $500 million, as a matter of fact, over the forecast by USDA in February—with livestock products, cotton, and soybeans accounting for much of the gain over the previous year. That is truly good news.

Export levels in 2001—the year we are in—are still well below the record highs of 1996. Primarily in response to these problems that I have cited in Asia, and production increases by competing exporters that sometimes are becoming much better at the task, nevertheless, sales appear to be increasing significantly.

During the first half of fiscal year 2001, the surplus in U.S. agricultural trade grew to $9.4 billion, almost $2 billion more than the same period last year. Year-to-date exports are $32.4 billion, $1.8 billion higher than they were during the same time period of last year, primarily due to $1.5 billion in more shipments of high-value products. That includes significant gains in livestock and feed, but bulk commodities have also contributed modestly to that.

Although the intermediate term outlook for agriculture is clearly uncertain at this point, it is clear that many underlying farm economic conditions are stronger this year than last year. Farm cash receipts could be a record high for 2001, driven primarily by a nearly 7-percent increase in livestock sales while crop sales could increase by as much as 1 percent. That scenario depends on $15.7 billion in direct payments from the Federal Government.

Those taking a look at this situation could say that is still not the real market. The sales are up because the Federal Government already has put up $15.7 billion, and we are about to put up at least $5.5 billion more. But, nevertheless, it is up rather than down.

As I pointed out earlier, if we had the $5.5 billion in my amendment, we are clearly going to have a net cash income situation that is at least $2.5 billion stronger than last year.

The projected increase in sales for 2001 is projected to more than offset the decline in Government payments and will boost gross cash income to $234 billion, up slightly with the bulk of the increase from livestock. Net cash income is forecast to decline $3 billion, as I pointed out earlier. That is why the $5.5 billion in my amendment takes care of that, plus $52.3 billion for the year, albeit through the health of the American taxpayers generally.

Therefore, the outlook for 2001 farm income performance includes:

Livestock sales, up 6.7 percent; Crop sales up 1 percent; gross cash income up .1 percent; and net cash income down—before we act—5.4 percent. And we remedy that with the $5.5 billion we are about to adopt, I hope. If you take a look at the balance sheet for agriculture, that is somewhat more promising.

Overall, the agricultural sector was strong throughout the year 2000, with part of that strength coming from strong balance sheets. Assets in 2000—the year previous—increased 3.6 percent and reached $1.12 trillion. Farm debt increased 4.1 percent to $183.6 billion. But farmers' equity increased 1.4 percent to $941.2 billion. For many observers that is astonishing. This being a year or 2 or 3 or 4, however you count it, of an agricultural crisis, the net worth of farmers as a whole has increased every year. It increases this year as compared to last year. Total farm debt has still stayed well under constraints at a very modest percentage of that overall equity.

During the mid-1990s, farm debt rose steadily at $5 to $6 billion annually. That clearly is not the case as farmers were much more prudent during this particular period.

The value of livestock and poultry, machinery, purchased inputs, and financial assets are all expected to increase this year, but the value of stored crops could decline modestly as a part of that asset situation.

Farm operators and lenders learned during the crisis of the 1980s that ill-advised borrowing cannot substitute for adequate cash flow and profits. In addition to gains in farmland values, cautious borrowing has kept the sector sound.

The farm sector equity growth continues. During the 2001 forecast, we see a moderate increase in debt, suggesting modest levels of new capital investments financed by debt, and a very low incidence of farms borrowing their way out of cash flow problems.

I mention that because of testimony we heard from farmers who need the $5.5 billion in our amendment. But at the same time, they are paying back their loans. They are not in a crisis situation with the country banker. And the country bankers need to make the loans because they do have a relatively sound market situation.

Land prices: Cash rents reinforce economic strength and suggest investment is profitable for many farmers. That raises another issue because, in fact, with land prices rising each year—and I cited yesterday sector by sector all over the country land prices have been rising throughout this decade. The young farmer coming into this picture, trying to buy land or to rent land, with rents going up every year, has raised some questions about our farm policies.

They have said: You folks in the Senate and the House are busy sending payments to farmers. They are capitalizing that in the value of the land.

They are charging more rent. How are young farmers such as ourselves ever going to get in the game?

We say: We will try to give you some low-cost loans. And the Presiding Officer, from his background in finance, will immediately recognize that these policies have some contradictions. On the one hand, we are doing our very best to boost income and the net worth, the balance sheets. I pointed, with pride, to the fact that we have some strength here. But it is not strength to everybody. The competing sectors, once again, are fairly obvious once you get to the fissures in our farm policy.

Nothing we do today will remedy that problem specifically. We are talking about an emergency. We are plugging in the net income, but it is all a part of this picture of well over $20 billion of Federal payments and who gets them, how are they capitalized, how does that work out in balance sheets, and for which farmers.

These are important issues. The chairman of our committee has had to try to resolve that within the committee. I salute him. As chairman for the 6 previous years, I had that responsibility. It is not easy, as you take a look around the table just in the Ag Committee, quite apart from the Senate as a whole. Therefore, I have had modest arguments in favor of the amendment I offer today. It is clearly not meant with the wisdom of Solomon. It is a pragmatic approach to how we might get action on the Agriculture bill as opposed to having a monumental argument for many hours and perhaps a veto at the end of the trail.

Let me just simply say that clearly the bill the Senator from Iowa has offered is different from the House bill—significantly different—and no less a group than the White House people have pointed out the difference and indicated the action they would take if that difference was not resolved.

So my hope is that essentially Members will gather as much of this together as they wish and try to distill at least the picture of agriculture in America that I have suggested and come to a conclusion that the amendment I have offered in a way—hopefully, with as much equity as possible on both sides of the aisle, and for farmers all over America—resolves our problem.

It would be unseemly to try to point out all the other scenarios that could happen if my amendment is not adopted. But let me just describe very clearly a part of the task ahead of us if we do not adopt the House language.

Whatever we adopt has to have a conference. I have cited that the bill the Senate Agriculture Committee passed the other day, maybe inadvertently, appears to touch at least three different House committees that have jurisdiction over some of this material. Maybe all of them will be happily cooperative in these final days, but I am not certain that is the case.

As I take a look at the chairmanships, the ranking members, and the general views of some of these committees—and they are not all Ag Committee people—they have other views. Maybe the distinguished Senator will excise various items and try to get these folks out of the picture. That would be helpful.

I have suggested he might downsize all of his items by five-sevenths and get it under $5.5 billion. Maybe that is a pragmatic solution to that. As he does so, of course, he will run into the same problem I have. He will run into people who want a bigger AMTA payment, and say: By golly, I am not going to vote for that bill unless the AMTA payment is at least as it was last year and the year before. I can't go home and see my cotton farmers and my corn farmers with anything less. Whether we have any money or not, I am going to fight to the very last hour to get that dollar, if I can.

Or you run into the so-called specialty crops people. Strawberry farmers have said: We have not been in on this business before. Why not?

Apple growers will say: We have a special problem this year. Without some payments, it is curtains for us.

It goes down through the line. So the chairman has to face all these people. He has already promised the AMTA people that they get the same as last year. That takes almost all the $5.5 billion. It is no wonder that the bill spills beyond $5.5 billion. It is—without any disrespect—a collection of the wish lists of members of the Ag Committee thrown together, listed ad seriatim. When you add up the total, it happens to come to $7.4 billion-plus.

You can say: Why not? But I am suggesting the ''why not.'' I think it is fairly clear it does not come close to our friends in the House. It does not come close to the requirements of the President to sign the bill. Although it may satisfy Members who say we have to go home and say we did the very best we could, that will not satisfy American farmers who, in the end result, do not get the money.

Let me just add, if there is anybody in this body with a perverse belief that we should be doing nothing here—in other words, in his or her heart of hearts who says, why are we having another farm debate; Is there no end of expenditure that is required?—if such a Member exists who perversely says, these folks, out of their own overlawyering and overadvocacy, will kill each other off, the net result at the end of the day will be zero expenditure, and that is a good result because that leaves $5.5 billion for something else in life that is more important—there could be a problem.

I suppose my suggestion would be, if there is not a constructive majority on my amendment, those folks will be interspersed with those purporting to be friends of farmers and suggesting more and more. The two extremes will finally get their wish, which is no bill.

I am not one of them. In a straightforward way, we have offered a pragmatic solution—not my own bill, not one that I find has extraordinary merit, but one that I believe has enough merit to be the basis for a good conclusion of a lot of difficulty in farmland and a lot of difficulty we have as legislators. It is something to broker all the interests of America into this particular situation.

At the appropriate time, I am hopeful Members will vote in favor of the amendment. I have been advised that there may in due course be a motion to table my amendment. Some have suggested that would offer at least a clue of the strength of how we are doing. I hope that will not come too soon, before Members really have considered what our options are, because I predict, in the event my amendment is tabled and no longer really is a viable possibility, almost all of the possibilities that follow are fairly grim.

If, for example, other amendments should be adopted that are more than $5.5 billion or the basic underlying bill, which is about 7.4, the odds of that becoming legislation are zero. Members need to know that at the outset. There has never been a more explicit set of messages from the White House before we even start. One could say, well, let's taunt the President; let's sort of see really what he wants to do. That is not a very good exercise, given 3 days of recess and the need for these checks by September 30.

In addition, if my amendment fails, this I suppose offers open season for anybody who has an agricultural problem in America. If this is going to be a failing exercise, why not bring up a whole raft of disputes, try them on for size, sort of test the body, and see what sort of support there is out there as a preliminary for the farm bill. This really offers spring training for arguments that might be out there in due course. We might try out a whole raft of dairy amendments, for example, try to resolve that extraordinary problem, all on this bill with both sides predicting filibusters that curl your hair throughout the whole of August, not just the whole of this week, or we could try out other experiments that have been suggested as Members truly believe we ought to discuss the trade problems and work out priorities with Social Security or Medicare and how we do those things.

Given the rules of the Senate, you could say, why not? Is anybody going to say it is nongermane? Does anybody really want to bring the thing to a conclusion?

I simply do want to bring it to a conclusion. I am hopeful that after both parties, both sides of the aisle, have considered the options, they will adopt my amendment, and we will swiftly join hands with the House and the President and give assurance to American farmers, which, as I understand, was the beginning of our enterprise.

I thank the Chair and the Senate for allowing me to make this extensive presentation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to address the amendment offered by the Senator from Indiana, the distinguished ranking member of the Senate Agriculture Committee, someone for whom I have enormous respect and listen carefully when the Senator from Indiana speaks on a subject. He has always done his homework, and he has a clear view. In this circumstance, I regret to say I have a different view.

As I look at the history over the last 3 years of the assistance bills we have passed in the Senate for agriculture in these situations, this is a very modest bill. In fact, it is significantly less than we have passed in each of the last 3 years.

The amendment offered by the Senator from Indiana is precisely what passed in the House. It is exactly the legislation that comes to us from that body. The chairman of the House Agriculture Committee, the Republican chairman, has, in his written views on this bill, said it is inadequate, has pointed out that this bill would provide $1 billion less than what we have passed in the last 3 years—$1 billion less than what has been passed each of the last 3 years to assist farmers at a time of real economic hardship. And as the Republican chairman of the House Agriculture Committee pointed out, this is at a time when farmers face the lowest real prices since the Great Depression.

The hard reality here is that prices for everything farmers buy have gone up, up, and away, especially energy prices, and yet the prices they receive are at a 70-year low in real terms. That is the situation we confront today. That is the hard reality of what we face today. The decision we have to make is, are we going to respond in a serious way, or are we going to fail to respond?

I hope very much that we will just look at the record. This chart depicts it very well. The green line is the prices farmers paid for inputs. The red is the prices farmers have received from 1991 through 2000. Look at the circumstance we have faced. The prices farmers have paid for inputs have gone up, up, and up. The prices farmers have received have declined precipitously.

That is the situation our farmers are facing. We can either choose to respond to that or we can fail. I hope we respond. I hope we respond quickly because the Congressional Budget Office has told us very clearly: If we fail to respond this week, the money in this bill will be scored as having been passed and effective in the year 2002. In effect, we would lose $5.5 billion available to help farmers.

There has been a lot of suggestion that things have been improving lately. I don't know exactly what they are talking about in terms of improvement. We have searched the markets to try to find where these improvements are occurring.

There has been modest improvement in lifestock. We do not see improvement in the program crops or the nonprogram crops, the things that are really covered by this bill.

Let me go back to what the chairman of the Agriculture Committee in the House of Representatives said about this very amendment, this precise legislation, that is before us now. This is the Republican chairman of the House Agriculture Committee. He said: H.R. 2213 as reported by the Agriculture Committee is inadequate in at least two respects:

First, the assistance level is not sufficient to address the needs of farmers and ranchers in the 2001 crop-year.

Second, the bill's scope is too narrow, leaving many needs completely unaddressed.

This is the Republican chairman of the Agriculture Committee in the House of Representatives talking about the very legislation being offered by the ranking member of the Agriculture Committee in the Senate today.

This is, again from the House Agriculture chairman, at a time when real net cash income on the farm is at its lowest level since the Great Depression, and the cost of production is expected to set a record high. H.R. 2213, that has precisely the same provisions as are being offered by the Senator from Indiana, cuts supplemental help to farmers by $1 billion from last year to this year. Hardest hit will be wheat, corn, grain sorghum, barley, oats, upland cotton, rice, soybean, and other oilseed farmers since the cuts will come at their expense.

I say to my colleagues, if they are representing wheat farmers, if they are representing corn farmers, grain sorghum, barley, oats, rice, soybean, and other oilseed farmers, to vote for the amendment of the Senator from Indiana is to cut assistance to their producers at the very time they are suffering from this circumstance.

The prices they pay are increasing each and every year. The prices they receive are plunging.

The House Agriculture Committee chairman went on to say, H.R. 2213, the bill that was reported by the House committee, the identical language which has been offered here, also fails to address the needs of dairy farmers, sugar beet and sugar cane farmers, farmers who graze their wheat, barley and oats, as well as farmers who are denied marketing loan assistance either because they do not have an AMTA contract or because they lost beneficial interest in their crops.

The House Agriculture chairman went on to say, earlier this year, 20 farm groups pegged the need in farm country for the 2001 crop-year at $9 billion. We do not have $9 billion available to us. We have, under the budget resolution, $5.5 billion available to us, and that is what the bill from the Agriculture Committee provides, $5.5 billion this year, $1.9 billion out of what is available to us next year in 2002.

What the amendment from the Senator from Indiana would provide is $5.5 billion this year, period. It is not enough. It represents, according to the Republican chairman of the Agriculture Committee in the House, a billion dollar cut from what we did last year. That is not what we should do.

The House Agriculture Committee chairman went on in his report to say, those who championed this legislation, as reported in the committee, argued in part a cut in help to farmers this year is necessary to save money for a rewrite of the farm bill, but the fly in the ointment is many farmers are deeply worried about whether they can make it through this year, let alone next year.

That is what we are down to in farm country across America. We are down to a question of survival. In my State, I have never seen such a loss of hope as has occurred in the agricultural sector, and it is the biggest industry in my State. If one were out there and they were paying for everything they buy, all of the inputs they use, every input going up, up, and up —if this chart extended to 2001, it would be more dramatic—we would see the prices going up even further.

On the other hand, if we looked at the prices for everything one sold going almost straight down, they would be hopeless, too.

This chart does not show just the last 6 months. This pattern of prices is since 1996. These are not KENT CONRAD's numbers. These are the numbers from the U.S. Department of Agriculture.

The pattern of the prices which farmers receive is virtually straight down, and the prices they pay have been going up, up, up.

I do not know what could be more clear. We have an obligation to help. We have an obligation to move this legislation. We have a requirement to move this legislation this week, not just through this Chamber but through the whole process. It has to be conferenced with the House, and the conference report has to be voted on before we go on break or we are going

to lose $5.5 billion. The money will be gone because the Congressional Budget Office has told us very clearly if this bill is not passed before we leave on break, they will score this legislation, even though it is being passed in fiscal year 2001, as affecting 2002 because they say the money cannot get out to farmers before the end of the fiscal year.

It is all at stake in this debate we are having, and I urge my colleagues to think very carefully about what they do in these coming votes.

I will close the way I started, by referring to the report of the chairman from the House Agriculture Committee, who said very clearly the identical legislation, which is contained in the amendment from the Senator from Indiana, is inadequate. This is the Republican chairman of the House Agriculture Committee, and he calls the amendment being offered inadequate in at least two respects: First, the assistance level is not sufficient to address the needs of farmers and ranchers in the 2001 crop-year.

Second, the bill's scope is too narrow, leaving many needs completely unaddressed.

Finally, he said, clearly this legislation, precisely what we are going to be voting on in the Senate, cuts supplemental help to farmers by $1 billion from last year to this year. We are cutting at the time we see a desperate situation in farm country all across America. It does not make sense. It is not what we should do. We ought to reject the amendment by the Senator from Indiana.

I thank the Chair, and I suggest we move forward.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the distinguished chairman of the Budget Committee for pointing out the letter we received from the Office of Management and Budget, which is not signed, but it is from the Office of Management and Budget and says: ''The President's senior advisers would recommend he veto the Senate bill we have before us based upon improvements in agricultural markets. Stronger livestock and crop prices means that the need for additional Federal assistance continues to diminish.''

I grant that livestock prices are a little bit higher. Are crop prices better than last year? Yes, but last year was a 15-year low. So it has come up a little bit. We are still at a 10- or 12-year low in crop prices. Simply because they were a little bit better than last year's disastrously low prices does not mean we don't have a need for additional farmer assistance. We do need it desperately.

It seems to me if that is the advice the President is getting, he is getting bad advice. I hope the President—he is the President; he does make the final decision—will look at the low crop prices we have all over America, and not only low crop prices, that is just looking at one thing. Crop prices may be marginally better than last year, but the input costs have skyrocketed.

We all know what has happened to fuel prices and fertilizer prices. They have skyrocketed. So the gap between what the farmer is receiving and what he is paying out continues to widen, as indicated in the chart of the distinguished Senator from North Dakota.

The President's advisers do not really know what is happening in farm country.

The Senator from North Dakota read from the report of the Agriculture Committee. I reemphasize that the chairman of the House Agriculture Committee, a Republican, LARRY COMBEST from Texas, along with 17 members of the House Agriculture Committee, said their bill was inadequate for two reasons: One, it is not sufficient to address the needs of farmers and ranchers; second, the scope is too narrow, leaving many needs completely unaddressed.

He points out that earlier this year 20 farm groups pegged the need for the 2001 crop-year at $9 billion. The farmers represent, according to LARRY COMBEST's letter, the views of 17 members of the Agriculture Committee. The farmers they represent had every reason to believe the help this year would be at least comparable to the help Congress provided last year. Producers who graze their wheat, barley, and oats, as well as producers who are denied marketing loan assistance—either because they do not have an AMTA crop or they lost beneficial interest in their crops—need help, too.

As this process moves forward, the letter continues, we will work to build a more sturdy bridge over this year's financial straits, straits that may otherwise threaten to separate many farmers from the promise of the next farm bill.

If all we are going to do is adopt the farm bill the House passed, there is no bridge. They are saying they hope the Senate might do something else so we can work on building that bridge.

A letter dated March 13, 2001, to the Honorable PETE DOMENICI, chairman of the Committee on the Budget, is signed by 21 Members of the Senate on both sides of the aisle: Senators COCHRAN, HUTCHISON, BREAUX, LANDRIEU, BOND, SESSIONS, LINCOLN, SHELBY, BUNNING, HELMS, MCCONNELL, CRAIG, CLELAND, INHOFE, THURMOND, FITZGERALD, MILLER, FRIST, THOMAS, HUTCHINSON, and HAGEL.

It says:

> Specifically, since conditions are not appreciably improved for 2001, we support making market loss assistance available so that the total amount of assistance available through the 2001 Agricultural Market Transition Act payment and the Market Loss Assistance payments will be the same as was available for the 2000 crop.

Further, the letter says:

> In addition to sluggish demand and chronically low prices, U.S. farmers and ranchers are experiencing rapidly increasing input costs including fuel, fertilizer and interest rates.

Further reading from the letter:

> With projections that farm income will not improve in the near future, we believe it is vitally important to provide at least as much total economic assistance for 2001 and 2002 as provided for the 2000 crop.

I ask unanimous consent this be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 13, 2001.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR PETE: We are writing to request your assistance in including appropriate language in the FY02 budget resolution so that emergency economic loss assistance can be made available for 2001 and 2002 or until a replacement for the 1996 Farm Bill can be enacted. Specifically, since conditions are not appreciably improved for 2001, we support making market loss assistance available so that the total amount of assistance available through the 2001 Agricultural Market Transition Act payment and the Market Loss Assistance payments will be the same as was available for the 2000 crop. We understand it is unusual to ask that funds to be made available in the current fiscal year be provided in a budget resolution covering the next fiscal year, but the financial stress in U.S. agriculture is extraordinary.

According to the USDA and other prominent agriculture economists, the U.S. agricultural economy continues to face persistent low prices and depressed farm income. According to testimony presented by USDA on February 14, 2001, ''a strong rebound in farm prices and income from the market place for major crops appears unlikely . . . assuming no supplemental assistance, net cash farm income in 2001 is projected to be the lowest level since 1994 and about $4 billion below the average of the 1990's.'' The USDA statement also said . . .'' (a) national farm financial crisis has not occurred in large part due to record government payments and greater off-farm income.''

In addition to sluggish demand and chronically low prices, U.S. farmers and ranchers are experiencing rapidly increasing input costs including fuel, fertilizer and interest rates. According to USDA, ''increases in petroleum prices and interest rates along with higher prices for other inputs, including hired labor increased farmers' production expenses by 4 percent or $7.6 billion in 2000, and for 2001 cash production expenses are forecast to increase further. At the same time, major crop prices for the 2000–01 season are expected to register only modest improvement from last year's 15–25 year lows, reflecting another year of large global production of major crops and ample stocks.''

During the last 3 years, Congress has provided significant levels of emergency economic assistance through so-called Market Loss Assistance payments and disaster assistance for weather related losses. During the last three years, the Commodity Credit Corporation has provided about $72 billion in economic and weather related loss assistance

and conservation payments. The Congressional Budget Office and USDA project that expenditures for 2001 will be $14–17 billion without additional market or weather loss assistance. With projections that farm income will not improve in the near future, we believe it is vitally important to provide at least as much total economic assistance for 2001 and 2002 as was provided for the 2000 crop.

Congress has begun to evaluate replacement farm policy. In order to provide effective, predictable financial support which also allows farmers and ranchers to be competitive, sufficient funding will be needed to allow the Agriculture Committee to ultimately develop a comprehensive package covering major commodities in addition to livestock and specialty crops, rural development, trade and conservation initiatives. Until new legislation can be enacted, it is essential that Congress provide emergency economic assistance necessary to alleviate the current financial crisis.

We realize these recommendations add significantly to projected outlays for farm programs. Our farmers and ranchers clearly prefer receiving their income from the market. However, while they strive to further reduce costs and expand markets, federal assistance will be necessary until conditions improve.

We appreciate your consideration of our views.

Sincerely,

Thad Cochran, John Breaux, Kit Bond, Blanche Lincoln, Jim Bunning, Mitch McConnell, Max Cleland, Strom Thurmond, Zell Miller, Craig Thomas, Chuck Hagel, Tim Hutchinson, Mary Landrieu, Jeff Sessions, Richard Shelby, Jesse Helms, Larry Craig, James Inhofe, Peter Fitzgerald, Bill Frist, Kay Bailey Hutchison.

Mr. HARKIN. The bill reported from the Agriculture Committee meets everything in this letter, signed by all these Senators, sent to Senator DOMENICI. We have met the need. We have provided for the same market loss assistance payment this year as provided last year.

The House bill that Senator LUGAR has introduced as an amendment provides 85 percent of what was provided last year; the Agriculture Committee bill provides 100 percent. I hope Senators who sent this letter earlier to Senator DOMENICI recognize we met these needs; we provided 100 percent, exactly what they asked for, the same as available for the 2000 crop.

As Senator CONRAD pointed out, the gap, as pointed out in the letter, in rapidly increasing input costs, fuel, fertilizer, and high interest rates, still means farmers have a big gap out there between prices they are receiving and what they are paying out.

Ms. STABENOW. Will the Senator yield?

Mr. HARKIN. I am delighted to yield to my colleague from Michigan, a valuable member of the Agriculture Committee.

Ms. STABENOW. I take a moment to thank the chairman for his leadership in putting forward a bill that is balanced and that meets the criteria laid out, the needs expressed by Members on both sides of the aisle. I thank the Senator for putting together a package addressing those crops that are not considered program crops but are in severe financial situations.

One example in the great State of Michigan, among many, are our apple growers who have needed assistance and received assistance—late but did receive assistance—last year. I am deeply concerned when we hear as much as 30 percent of the apple growers in this country will not make it past this season. If we are to look at their needs for, not the fiscal year, but as the Senator eloquently stated in the past, the crop year, and the needs of the farmers, it means the version that came from the Senate committee needs to be the version adopted.

I ask my esteemed chairman, it is my understanding in the amendment before the Senate, there is not a specific loss payment for apple growers; is that correct? I could address other specialty needs in dairy, sugar, and a whole range of needs in the great State of Michigan, but is it true that this does not, as the Senate Agriculture Committee bill does, put forward dollars specifically for our apple growers? It is my understanding this amendment adopted by the House of Representatives would not address the serious needs of America's apple growers.

Mr. HARKIN. I respond to my colleague from Michigan, she is absolutely right, there is nothing in the House bill providing any help for the tremendous loss, 30-some percent loss, that apple producers have experienced in this country. We are talking about apple producers from Oregon, from Washington, Michigan, to Maine, Massachusetts, New York, Pennsylvania, all who experienced tremendous losses.

Under the AMTA payment system, they don't get money, but they are farmers. They are farmers.

Many are family farmers and they need help, too. So I think, I say to my friend from Michigan, what LARRY COMBEST and the 17 others who signed the ''additional views'' on the House bill said was that the bill was too narrow in scope. There are a lot of other farmers in this country who are hurting, who need some help.

So, yes, I say to my friend from Michigan, we provided $150 million in there to help our apple farmers. That is a small amount compared to the $7.5 billion in the total package. But it is very meaningful. It will go to those apple producers, and it will save them and keep a lot of them in business for next year, I say to my friend from Michigan.

I especially want to thank the Senator from Michigan for bringing this to our attention. To be frank, I don't have a lot of apple growers in Iowa. We have a few, but not to the extent of many other States. It was through the intercession and the great work done by the Senator from Michigan that this was brought to our attention, the terrible plight of our apple farmers all over America. I thank her for sticking up for our family farmers.

I just have a couple of other things. The Lugar amendment, the House bill, strikes out all the money we have for conservation. It strikes all the conservation money out. Earlier this year—June 14 of this year—130 Members of the House of Representatives, including many members of the House Agriculture Committee, wrote a letter to Chairman COMBEST and Ranking Member STENHOLM. They said:

We believe conservation must be the centerpiece of the next farm bill.

They talk about the farm bill, but, they said:

We should not leave farmers waiting while a new farm bill is debated. We urge you to work with the House Appropriations Committee to increase FY 2002 annual and supplemental funding for voluntary incentive-based programs. In particular, we urge you to use 30 percent of emergency funds to help farmers impacted by drought, flooding and rising energy costs, through conservation programs. Currently, demand for the Environmental Quality Incentives Program exceeds $150 million. Demand for the Farmland Protection Program exceeds $200 million, demand for the Wetlands Reserve Program exceeds $350 million, and demand for the Wildlife Habitat Incentives Program exceeds $150 million.

That is signed by 130 Members of the House.

I have to be honest; we didn't meet 30 percent of the emergency funds but we did put in about 7 percent, if I am not mistaken—a little over 7 percent. The Lugar amendment gives zero for conservation—zero.

Again, these are family farmers. Many of these farmers do not get the AMTA payments that go out, but they are farmers nonetheless and they need help. Certainly we need to promote conservation because a lot of these farms simply will lie dormant if we do not provide this assistance in this bill.

There are two other things I want to point out. I have a letter I received today from some Members of the House—two Members. The House bill passed by 1 vote. The House Agricultural Committee passed out the Lugar amendment. What Senator LUGAR is putting out there is the House Agriculture Committee bill. It passed by 1 vote. I have a letter from two members of that committee who voted on the prevailing side. Listen to what they said:

DEAR CHAIRMAN HARKIN: Although we supported H.R. 2213—The Crop-Year 2001 Agricultural Economic Assistance Act—as it passed the House of Representatives, we applaud the comprehensive approach you have taken in the aid package passed by the Senate Agriculture Committee to address the many diverse needs of agricultural and rural communities.

By including additional funding for conservation programs, nutrition, rural development and research, many farmers in rural

communities who do not benefit from the traditional commodity programs will receive assistance this year. In particular, the $542 million you included for conservation programs will help reduce the $2 billion backlog of applications from farmers and ranchers who are waiting for USDA assistance to protect farm and ranchland threatened by sprawling development and critical wetlands and riparian areas for wildlife habitat, water quality, and floodplains.

Signed by Representative RON KIND and Representative WAYNE GILCHREST.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
July 31, 2001.

Hon. TOM HARKIN,
Chairman, Senate Committee on Agriculture, Washington, DC.

DEAR CHAIRMAN HARKIN: Although we supported H.R. 2213—The Crop Year 2001 Agriculture Economic Assistance Act—as it passed the House of Representatives, we applaud the comprehensive approach you have taken in the aid package passed by the Senate Agriculture Committee to address the many diverse needs of agriculture and rural communities. We look forward to working with you to reconcile the competing measures in order to ensure that we meet the diverse needs of both our family farmers and the overall environment.

By including additional funding for conservation programs, nutrition, rural development and research, many farmers and rural communities who do not benefit from the traditional commodity programs will receive assistance this year. In particular, the $542 million you included for conservation programs will help reduce the $2 billion backlog of applications from farmers and ranchers who are waiting for USDA assistance to protect farm and ranchland threatened by sprawling development and critical wetlands and riparian areas for wildlife habitat, water quality, and floodplains.

Earlier this year, 140 House members called on the House Agriculture Committee to ''not leave farmers waiting while a new farm bill is debated'' and instead allocate 30 percent of emergency funding to conservation programs this year. Your conservation package will maintain critical conservation programs before the farm bill is reauthorized. Without this additional funding, the Wetlands Reserve Program, Farmland Protection Program, and Wildlife Habitat Incentives Program would cease to operate. It is our hope that the conferees will view conservation programs favorably during conference proceedings.

We believe this short-term aid package should reflect the needs of all farmers in this country and set the tone for the next farm bill by taking a balanced approach to allocating farm spending among many disparate needs.

Sincerely,

RON KIND,
WAYNE GILCHREST,
Members of Congress.

Mr. HARKIN. Then I have a letter also today saying:

DEAR SENATOR HARKIN: I am writing to you today to express my support for the comprehensive approach you have taken in drafting the Senate agricultural economic assistance bill. In providing important funds for nutrition and conservation, the agriculture economic assistance package recognizes that the jurisdiction of the Agriculture Committee goes beyond the critically important task of providing economic support for producers of commodities.

I urge you to ensure that the bill reported out of the Senate retain these vitally important resources and look forward to working with you to ensure that any bill sent to the President is similarly cognizant of the broad array of issues before the Agriculture Committees of the House and Senate.

EVA M. CLAYTON, Member of Congress.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
July 31, 2001.

Hon. TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HARKIN: I am writing to you today to express my support for the comprehensive approach that you have taken in drafting the Senate agriculture economic assistance bill. In providing important funds for nutrition and conservation, the agriculture economic assistance package recognizes that the jurisdiction of the Agriculture Committee goes beyond the critically important task of providing economic support for producers of commodities.

In providing funds for important nutrition programs such as the Senior Farmers Market and the Emergency Food Assistance Program, the Committee acknowledges its responsibility to ensure that American children live free from the specter of hunger. Additionally, by providing important resources for farmland conservation and environmental incentive payments, the Committee recognizes the important fact that the degradation of our natural resoruces and the decay of vitally important water quality and farmland are emergencies that affect our rural communities and thus are deserving of our immedate attention.

I urge you to ensure that the bill reported out of the Senate retain these vitally important resources and look forward to working with you to ensure that any bill sent to the President is similarly cognizant of the broad array of issues before the Agricultue Committees of the House and the Senate.

Sincerely,

EVA M. CLAYTON,
Member of Congress.

Mr. HARKIN. These are two people who voted for the House-passed bill, which only passed by 1 vote, I might add.

So I would say there is a lot of support in the House of Representatives for what we have done in the Senate Agriculture Committee. I believe what we have done truly does provide that bridge.

I will close this part of my remarks by just saying we have a limited amount of time. We need to get this bill out. We need to go to conference, which we could do tomorrow. If we can get this bill done today, we can go to conference tomorrow. I believe the conference would not last more than a couple of hours, and we could have this bill back here, I would say no later than late Wednesday, maybe Thursday, for final passage, and we could send it to the President.

I believe his senior advisers notwithstanding, the President would listen to the voices here in the House and the Senate as to what is really needed.

I also ask unanimous consent to print a news release in the RECORD that was put out by the American Farm Bureau Federation dated June 21. It says:

The House Agriculture Committee's decision to provide only $5.5 billion in a farm relief package ''is disheartening and will not provide sufficient assistance needed by many farm and ranch families,'' said American Farm Bureau Federation President Bob Stallman.

We believe the needs exceed $7 billion.

This is according to Mr. Stallman, president of the American Farm Bureau Federation.

I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FARM BUREAU DISAPPOINTED IN HOUSE FUNDING FOR FARMERS

WASHINGTON, DC, June 21, 2001.—The House Agriculture Committee's decision to provide only $5.5 billion in a farm relief package ''is disheartening and will not provide sufficient assistance needed by many farm and ranch families,'' said American Farm Bureau Federation President Bob Stallman.

''We believe needs exceed $7 billion,'' Stallman said. ''The fact is agricultural commodity prices have not strengthened since last year when Congress saw fit to provide significantly more aid.''

Stallman said securing additional funding will be a high priority for Farm Bureau. He said the organization will now turn its attention to the Senate and then the House-Senate conference committee that will decide the fate of much-needed farm relief.

''Four years of low prices has put a lot of pressure on farmers. We need assistance to keep this sector viable,'' the farm leader said.

''We've been told net farm income is rising but a closer examination shows that is largely due to higher livestock prices, not most of American agriculture,'' Stallman said.

''And, costs are rising for all farmers and ranchers due to problems in the energy industry that are reflected in increased costs for fuel and fertilizer. Farmers and ranchers who produce grain, oilseeds, cotton, fruits and vegetables need help and that assistance is needed soon.''

Mr. HARKIN. I have a letter dated July 11 from the National Association of Wheat Growers that said:

However, given current financial conditions, growers cannot afford the reduced level of support provided by the House in H.R. 2213. Wheat farmers across the nation are counting on a market loss payment at the 1999 PFC rate. Thank you for your leadership and support.

Dusty Tallman, President of the National Association of Wheat Growers.

What is in our bill provides to wheat farmers across the country a market loss payment at the same rate they got in 1999.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF WHEAT GROWERS,
Washington, DC, July 11, 2001.

Hon. TOM HARKIN,
Chairman, Senate Agriculture Committee, Washington, DC.

DEAR CHAIRMAN HARKIN: As President of the National Association of Wheat Growers (NAWG), and on behalf of wheat producers across the nation, I urge the Committee to draft a 2001 agriculture economic assistance package that provides wheat producers with a market loss payment equal to the 1999 Production Flexibility Contract (AMTA) payment rate.

NAWG understands Congress is facing difficult budget decisions. We too are experiencing tight budgets in wheat country. While wheat prices hover around the loan rate, PFC payments this year have declined from $0.59 to $0.47. At the same time, input costs have escalated. Fuel and oil expenses are up 53 percent from 1999, and fertilizer costs have risen 33 percent this year alone.

Given these circumstances, NAWG's first priority for the 2001 crop year is securing a market loss payment at the 1999 PFC rate. We believe a supplemental payment at $0.64 for wheat—the same level provided in both 1999 and 2000—is warranted and necessary to provide sufficient income support to the wheat industry.

NAWG has a history of supporting fiscal discipline and respects efforts to preserve the integrity of the $73.5 billion in FY02–FY11 farm program dollars. However, given current financial conditions, growers cannot afford the reduced level of support provided by the House in H.R. 2213. Wheat farmers across the nation are counting on a market loss payment at the 1999 PFC rate.

Thank you for your leadership and support.

Sincerely,

DUSTY TALLMAN,
President.

Mr. HARKIN. I have a letter from the National Corn Growers Association:

DEAR CHAIRMAN HARKIN: We feel strongly that the Committee should disburse these limited funds in a similar manner to the FY00 economic assistance package—addressing the needs of the 8 major crops—corn, wheat, barley, oats, oilseed, sorghum, rice and cotton. . . .

Again, we urge the Committee to allocate the market loss assistance payments at the FY99 production flexibility contract payment level for program crops.

Our bill does exactly that. The House bill only puts in 85 percent.

I ask unanimous consent the letter from the National Corn Growers Association be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CORN GROWERS ASSOCIATION,
Washington, DC, July 23, 2001.

Hon. TOM HARKIN,
Chairman, Senate Committee on Agriculture, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN HARKIN: We write to urge you to take immediate action on the $5.5 billion in funding for agricultural economic assistance authorized in the FY01 budget resolution.

The fiscal year 2001 budget resolution authorized $5.5 billion in economic assistance for those suffering through low commodity prices in agriculture. However, these funds must be dispersed by the US Department of Agriculture by September 30, 2001. We are very concerned that any further delay by Congress concerning these funds will severely hamper USDA's efforts to release funds and will, in turn, be detrimental to producers anxiously awaiting this relief.

We feel strongly that the Committee should disperse these limited funds in a similar manner to the FY00 economic assistance package—addressing the needs of the eight major crops—corn, wheat, barley, oats, oilseeds, sorghum, rice and cotton. It is these growers who have suffered greatly from the last two years of escalating fuel and other input costs. The expectation of these program crop farmers is certainly for a continuation of the supplemental AMTA at the 1999 level.

Again, we urge the Committee to allocate the market loss assistance payments at the FY99 production flexibility contract payment for program crops. We feel strongly that Congress should support the growers getting hit hardest by increasing input costs.

Sincerely,

LEE KLEIN,
President.

Mr. HARKIN. Madam President, I have another piece from the National Corn Growers Association in which they say the National Corn Growers Association is optimistic about the Senate Agriculture Committee's $7.5 billion emergency aid package.

I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From NCGA News, July 26, 2001]

NCGA OPTIMISTIC ABOUT SENATE AGRICULTURE COMMITTEE $7.5 BILLION EMERGENCY AID PACKAGE

The Senate Agriculture Committee yesterday approved a $7.5 billion emergency aid package for farmers in the current fiscal year, championed by Chairman Tom Harkin (D–IA).

A substitute amendment offered by Richard Lugar (R–IN), ranking member, failed by a vote of 12–9. Lugar sought an aid package totaling $5.5 billion, similar to what the House Agriculture Committee passed in late June.

The package approved yesterday will provide help to program crops such as corn, as well as to oilseeds, peanuts, sugar, honey, cottonseed, tobacco, specialty crops, pulse crops, wool and mohair, dairy and apples. The Senate package is expected to move to floor consideration at anytime, where Sen. Thad Cochran (R–MS) may offer an amendment to curb the overall spending while maintaining emergency spending for the major commodities.

Because the aid packages passed by the Senate and House are markedly different, a conference committee will be scheduled to craft a compromise.

''This development places even more pressure on Congress to act expeditiously, because any aid package approved by Congress must be done soon so that the USDA can cut checks and mail them to farmers before fiscal year ends on September 30, 2001,'' said National Corn Growers Association (NCGA) Vice President of Public Policy Bruce Knight.

Mr. HARKIN. Madam President, I have a release from the National Farmers Union, in which they say:

The National Farmers Union today applauded the Senate Agriculture Committee on its approval of $7.4 billion in emergency assistance for U.S. agriculture producers.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FARMERS UNION COMMENDS SENATE ON EMERGENCY ASSISTANCE PACKAGE

WASHINGTON, DC, July 25, 2001.—The National Farmers Union (NFU) today applauded the Senate Agriculture Committee on its approval of $7.4 billion in emergency assistance for U.S. agriculture producers. The bill provides supplemental income assistance to feed grains, wheat, rice and cotton producers as well as specialty crop producers. The Senate measure provides the needed assistance at the same levels as last year and is $2 billion more than what is provided in a House version of the measure. NFU urges expeditious passage by the full Senate and resolution in the House/Senate conference committee that adopts the much needed funding at the Senate level.

''We commend Chairman Tom Harkin for his leadership in crafting this assistance package,'' said Leland Swenson, president of NFU. ''We are pleased that members of the committee have chosen to provide funding that is comparable to what many farmers requested at the start of this process. This level of funding recognizes the needs that exist in rural America at a time when farmers face continued low commodity prices for row and specialty crops while input costs for fuel, fertilizer and energy have risen rapidly over the past year.''

The Senate Agriculture Committee approved the Emergency Agriculture Assistance Act of 2001 that provides $7.4 billion in emergency assistance to a broad range of agriculture producers and funds conservation programs. It also provides loans and grants to encourage value-added products, compensation for damage to flooded lands and support for bio-energy-based initiatives. The funding level is the same as what was provided last year and is comparable to what NFU had requested in order to meet today's needs for farmers and ranchers. The House proposal provides $5.5 billion.

''We now urge the full Senate to quickly pass this much-needed assistance package,'' Swenson added. ''It is vital that the House/Senate conference committee fund this measure at the Senate level. As we meet the challenge of crafting a new agriculture policy for the future, today's needs for assistance are still great. We hope for swift action to help America's farmers and ranchers.''

Mr. HARKIN. Madam President, I have another letter, dated today, from the American Farm Bureau Federation:

DEAR SENATOR HARKIN: The American Farm Bureau Federation supports at least $5.5 billion in supplemental Agricultural Market Transition Act payments and $500 million in market loss assistance payments for oilseeds as part of the emergency spending package for crop year 2001.

Our bill does that. Senator LUGAR's amendment does not.

They state further:

We also believe it is imperative to offer assistance to peanut, fruit and vegetable producers. In addition, it is crucial to extend

the dairy price support in this bill since the current program will expire in less than two months.

All over this country agriculture has been facing historic low prices and increasing production costs.

I ask unanimous consent that this letter, dated today, from Mr. Bob Stallman, president of the American Farm Bureau Federation, be printed in the RECORD.

Again, I point out that our bill meets these needs. The House bill does not. Our bill provides the assistance to peanut, fruit, and vegetable producers, and we do, indeed, extend the dairy price support program beyond its expiration date in 2 months.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, July 31, 2001.

Hon. TOM HARKIN,
Chairman, Agriculture, Nutrition, and Forestry Committee, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HARKIN: The American Farm Bureau Federation supports at least $5.5 billion in supplemental Agricultural Market Transition Act payments and $500 million in market loss assistance payments for oilseeds as part of the emergency spending package for crop year 2001. We also believe it is imperative to offer assistance to peanut, fruit and vegetable producers. In addition, it is crucial to extend the dairy price support in this bill since the current program will expire in less than two months.

All over this country agriculture has been facing historic low prices and increasing production costs. These challenges have had a significant effect on the incomes of U.S. producers. At the same time, projections of improvement for the near future are not very optimistic. We appreciate your leadership in providing assistance to address the low-income situation that U.S. producers are currently facing.

We thank you for your leadership and look forward to working with you to provide assistance for agricultural producers.

Sincerely,

BOB STALLMAN,
President.

Mr. HARKIN. Madam President, I have a letter from the Food and Research Action Center.

We urge you to continue your leadership in support for the nutrition programs contained in S. 1246.

Our bill does it. The House bill doesn't.

It is signed by James D. Weill, president of the Food and Research Action Center.

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:

FOOD RESEARCH & ACTION CENTER,
Washington, DC, July 30, 2001.

Senator TOM HARKIN,
Chairman, Senate Agriculture Committee, Russell Senate Office Bldg., Washington, DC.

DEAR MR. CHAIRMAN: I am writing you about S. 1246. The Emergency Agricultural Assistance Act of 2001.

As in the House bill, S. 1246 authorizes an additional $10 million for expenses associated with the transportation and distribution of commodities in The Emergency Food Assistance Program (TEFAP). The Senate version also devotes additional dollars to support school meal programs targeted to low-income children; increases the mandatory commodity purchases for the School Lunch Program; and provides additional funding for Senior Farmers Market Nutrition Programs.

We urge you to continue your leadership and support for the nutrition programs contained in S. 1246. We also thank you for your leadership earlier this month in the hearings on nutrition programs in the Farm Bill, and look forward to working with you on important food stamp improvements later this year in that bill.

Sincerely,

JAMES D. WEILL,
President.

Mr. HARKIN. Madam President, I have a letter from the National Association of Farmers' Market Nutrition Programs.

I am writing to express the strong support of the National Association of Farmers' Market Nutrition Programs to include $20 million for the Senior Farmers' Market Nutrition Pilot Program in S. 1246.

For States and Indian Tribal organizations administering the SFMNPP, an early decision by Congress and administration to continue this small but vital program is of the utmost importance. States and Tribes faced a very short timeframe for application and implementation of this program last year and would be greatly benefited by quick action to renew this new but very popular program.

It is signed by Mike Bevins, President of the National Association of Farmers' Market Nutrition Programs.

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:

NATIONAL ASSOCIATION OF FARMERS' MARKET NUTRITION PROGRAM,
Washington, DC, July 31, 2001.

Hon. TOM HARKIN,
Chair, Senate Committee on Agriculture, Senate Russell Office Building, Washington, DC.

DEAR SENATOR HARKIN, I am writing to express the strong support of the National Association of Farmers' Market Nutrition Program (NAFMNP) to include $20 million for the Senior Farmers' Market Nutrition Pilot Program (SFMNPP) in S. 1246, the Emergency Agricultural Assistance Act of 2001. We understand consideration of this legislation on the Senate floor is imminent.

For states and Indian Tribal organizations administering the SFMNPP, an early decision by Congress and the Administration to continue this small but vital program is of the utmost importance. States and Tribes faced a very short time frame for application and implementation of this program last year and would be greatly benefited by quick action to renew this new, but very popular program.

We urge you to include the $20 million earmarked in S. 1246 for the SFMNNP in your final version of the bill.

Sincerely,

ZY WEINBERG,
(For Mike Bevins, President).

Mr. HARKIN. Madam President, I have a letter from the American School Food Service Association.

DEAR SENATOR HARKIN: Specifically, we strongly support section 301 to preserve entitlement commodities during the 2001–2002 school year for schools that participate in the National School Lunch Program.

That is in our bill, and it is not in the House bill.

It is signed by Marcia Smith for the American School Food Service Association.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN SCHOOL FOOD SERVICE ASSOCIATION,
Alexandria, VA, July 31, 2001.
Re: S. 1246.

Senator TOM HARKIN,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR HARKIN, On behalf of the American School Food Service Association, thank you for your leadership with the Emergency Agricultural Assistance Act of 2001 (S. 1246), which the Senate Agriculture Committee approved and sent to the full Senate for consideration.

Specifically, we strongly support Section 301 to preserve entitlement commodities during the 2001–02 school year for schools that participate in the National School Lunch Program. Without this provision, any participating school that received bonus commodities from the U.S. Department of Agriculture would have its entitlement commodities under the NSLP reduced. As you know, this would result in a de facto funding cut of between $50 million and $60 million for the NSLP during school year 2001–02. Further, with an eye to Conference, ASFSA does not support a block grant approach to the distribution of commodities.

On behalf of ASFSA's members and the children we serve, thank you again for your leadership on this important issue. Please let me know if there is anything else we can do to further S. 1246.

Sincerely,

MARCIA L. SMITH,
President.

Mr. HARKIN. Madam President, to sum up—and I will come back to this later on—we looked at the Nation as a whole. We looked at all farmers in this country. All farmers need help, plus there are others in rural communities who need help. There are conservation programs, as was pointed out by a letter I read from the 130 Members of the House, that need to be continued beyond the end of this fiscal year. We addressed all of these needs, and we did it within the confines of the budget resolution.

Each Senator on that side of the aisle or on this side of the aisle who is opposed to our bill could raise a point of order. But no point of order lies against this bill because it is within the budget resolution. Therefore, there is no reason for the President to veto it, unless he simply does not want our apple farmers to receive help, or to extend the dairy price support program,

or to help some of our peanut and cottonseed farmers, and others who need this assistance, or perhaps he doesn't think we should have a nutrition program.

Quite frankly, we have met our obligations to provide for the full AMTA payment for fiscal year 2001—the full AMTA payment. The House bill only provides 85 percent.

I say to my fellow Senators, if you want to provide the same level of assistance to farmers this year under AMTA as we did last year, you cannot support Senator LUGAR's amendment. That will wipe it out and make it only 85 percent, which is what the House bill does.

I hope after some more debate we can recognize that we have met our obligations in the Senate Agriculture Committee. This is the right course of action to take for this body and for the President to sign.

I yield the floor.

Mr. REID. Mr. President.

Mr. THOMAS. Mr. President.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Wyoming.

Mr. THOMAS. Madam President, I want to yield to my friend, the Senator from Idaho, but first I wish to make a couple of remarks. One is that if you came in here and you were listening to the difficulty that some talk about in getting this job done prior to the time the $5.5 billion disappears, then you would imagine the thing to do is to go ahead and have a bill similar to the House. Then it would be there, and we would come back with the other $2 billion, which is in the budget for next year. It isn't as if this is a long time off. It is right there, and it can be done. It isn't as if it isn't going to happen. It will happen. We are taking out next year's and putting it in this year. You can bet that there will be a request to replace that with new money next year.

It is sort of an interesting debate. It is also interesting that the House version includes $4.6 billion in AMTA payments.

There was mention by the Senator from Michigan that it didn't go beyond that. Actually, there is $424 million in economic assistance for oilseeds; $54 million in economic assistance for peanut producers; $129 million for tobacco; $17 million for wool and mohair; $85 million for cottonseeds; and $26 million for specialty crops, which is for the States to disperse. Over $3.5 million goes to Michigan which could go to apple growers. This idea that somehow the people have been left out is simply not the case.

I now yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. REID. Madam President, will the Senator yield for a unanimous consent request?

Mr. THOMAS. Of course.

Mr. REID. Madam President, this has been cleared with Senator LUGAR, Senator HARKIN, and both leaders.

Madam President, I ask unanimous consent that at 2:30 p.m. today I be recognized to move to table Senator LUGAR's amendment, and that the 15 minutes prior to that vote be equally divided between Senators HARKIN and LUGAR.

Mr. THOMAS. Madam President, I think I will object simply to talk with the others to see if they need more time. I hope they do not. But at this moment, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I thank the Senator from Wyoming for yielding. I will be brief, for I have sat here most of the morning listening to both the Senator from Indiana and the Senator from Iowa discuss what is now pending.

There is no question in my mind—and any Senator from an agricultural State—that we are in a state of emergency with production agriculture in this country. I certainly respect all of the work that the chairman of the Senate Ag Committee has done, the authorizing committee. I no longer serve on that committee, but my former chairman and ranking member of the Ag Appropriations Committee is in this Chamber, and I serve on that committee. So I have the opportunity to look at both the authorizing side and the appropriating side of this issue.

Clearly, I would like to hold us at or near where we were a year ago. At the same time, I do not believe, as we struggle to write a new farm bill, that we should write massive or substantially new farm policy into an appropriations bill that is known as an Emergency Agricultural Assistance Act. There is adequate time to debate critical issues as to how we adjust and change agricultural policy in our country to fit new or changing needs within production agriculture.

I have been listening to, and I have read in detail, what the Senator, the chairman of the Ag Committee, has brought. You have heard the ranking member, the Senator from Indiana, say he is not pleased with what he is doing today. In fact, the amendment that he offered in the committee—one that I could support probably more easily than I could support the amendment he has offered in this Chamber today—is not being offered for a very simple reason; it is a question of timing.

The chairman of the authorizing committee but a few moments ago said: If we pass this bill today, we can conference tomorrow. We can go out and have it back to the floor by Thursday or Friday of this week.

I would think you could make a statement like that if the House and the Senate were but a mile apart. We are not. We are 2,500 to 3,000 miles apart at this moment. We are $2 billion apart on money. The chairman of the authorizing committee has just, in a few moments, discussed the substantial policy differences on which we are apart. And I am quite confident—I know this chairman; I have served on conferences with him; he is a tough negotiator; he is not going to give up easily, as will the House not give up easily on their positions, largely because we are writing a farm bill separate from appropriations, as we should.

But both sides have spilled into the question of policy as it relates to these vehicles. What we are really talking about now, and what we should be talking about now, are the dollars and cents that we can get to production agriculture before September 30 of this fiscal year.

I happen to be privileged to serve on leadership, and we are scratching our heads at this moment trying to figure out how we get this done. How do we get the House and the Senate to conference, and the conference report back to the House and the Senate to be voted on before we go into adjournment, and to the President's desk in a form that he will sign?

I do not think the President is threatening at all. I think he is making a very matter-of-fact statement about keeping the Congress inside their budget so that we do not spill off on to Medicare money. We have heard a great deal from the other side about the fact that we are spending the Medicare trust fund. But this morning we have not heard a peep about that as we spend about $2 billion more than the budget allocates in the area of agriculture.

So for anyone to assume that getting these two vehicles—the House and the Senate bills—to conference, and creating a dynamic situation in which we can conference overnight and have this back before we adjourn on Friday or Saturday, to be passed by us and signed by the President, is, at best, wishful thinking.

We are going to have a letter from OMB in a few moments that very clearly states that this has to get done and has to get scored before the end of the fiscal year or we lose the money.

The ranking member of the Ag Appropriations Committee, who is in this Chamber, and certainly the chairman of the authorizing committee, do not want that to happen, and neither does this Senator. In fact, I will make extraordinary efforts not to have it happen because that truly complicates our budget situation well beyond what we would want it to be, and it would restrict dramatically our ability to meet the needs of production agriculture across this country as we speak.

I am amazed that we are this far apart. The House acted a month ago.

We have been slow to act in the Senate. And now it is hurry up and catch up at the very last minute prior to an adjournment for what has always been a very important recess for the Congress.

I will come back to this Chamber this afternoon to talk about the policy differences, but I think it is very important this morning to spell out the dynamics of just getting us where we need to get before we adjourn, I hope, Friday evening late. And I am not sure we get there because we are so far apart.

The chairman talks about passing the bill this afternoon, assuming that we would table the amendment of the Senator from Indiana; then this would pass, forgetting there are other Senators in the Cloakrooms waiting to come out and talk about an issue called dairy compacts, and the Northeast Dairy Compact legislation or policy authority ending at the end of September, with no train leaving town between now and then that gets that out. And to assume that is going to be a simple debate that will take but a few hours, I would suggest: How about a day or 2 to resolve what is a very contentious issue? I know I want to speak on it. I know a good many other Senators do. We do not want to see our Nation divided up into marketing territories that you cannot enter and leave easily, as our commerce clause in the Constitution would suggest.

So those are some of the issues that are before us today and tomorrow and the next day. That means as long as we are in this Chamber debating this bill on these very critical issues, it will not be in conference. And those very difficult policy issues and that $2 billion worth of spending authority will not get resolved where the differences lie.

So let us think reasonably and practically about our situation. The clock is ticking very loudly as it relates to our plan for adjournment and our need to get our work done, and done so in a timely fashion.

I do not criticize; I only observe because much of what the Senator from Iowa has talked about I would support. But I would support it in a new farm bill properly worked out with the dynamics between the House and the Senate, not in appropriating legislation done in the last minute, to be conferenced in an all-night session, or two or three, to find our differences, and to work them out. I am not sure we can get there. If we can't, we lose $5.5 billion to production agriculture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, this morning I was very impressed by the comments made by the distinguished Senator from Indiana, Mr. LUGAR.

At the markup session of our Committee on Agriculture, I had come to that session with a compromise that I was prepared to offer because I thought it would more nearly reflect the programs Congress provided for emergency or economic assistance to farmers in the last two crop-years.

We had testimony in our Appropriations Committee from the chief economist and other high-ranking officials at the Department of Agriculture that the situation facing farmers this year is very similar—just as bad—as it was last year and the year before. So the record supports the action being taken by the Congress to respond to this serious economic problem facing agricultural producers around the country.

It was the Appropriations Agriculture Subcommittee during the last 2 years that had been given the responsibility, under the budget resolution, for writing this disaster or economic assistance program. And we did that. The Congress approved it. It was signed and enacted into law. And the disbursements have been made.

This year the budget resolution gave the authority for implementing the program for economic assistance to the legislative committee in the Senate, the Agriculture Committee. I also serve on that committee. The distinguished Senator from Iowa chairs that committee, and Senator LUGAR is the ranking member and former chairman of that committee. I have great respect for all of my fellow members on the committee, but I have to say that arguments made this morning, and the proposal made this morning at the beginning of the debate by Senator LUGAR, to me, are right on target in terms of what our best opportunity is at this time for providing needed assistance to agricultural producers.

The facts are that the House has acted and the administration has also reviewed the situation and expressed its view. We have the letter signed by Mitch Daniels, the Director of the Office of Management and Budget, setting forth the administration's view and intentions with respect to legislation they will sign or recommend to be vetoed. If we are interested in helping farmers now, in providing funding for distressed farmers to help pay loans from lenders, to get additional financing as may be needed, if that is our goal, then the best and clearest opportunity for providing that assistance is to take the advice and suggestion of Senator LUGAR and vote for the alternative he has provided, which is the House-passed bill.

It obviates the need to conference with the House, to work out differences between the two approaches, which is necessarily going to delay the process. To assume that that conference can be completed in 2 or 3 days and funds be disbursed in an appropriate and efficient way is wishful thinking. It is no better than wishful thinking. I do not think producers would like to take that chance under the conditions of distress that exist in agricultural communities all over this country today.

If we could take a poll now among those who would be the beneficiaries of this legislation, I am convinced most would say: Let's take the House bill now, use the budget authority for new farm bill provisions that will strengthen our agricultural programs for the future, into the next crop year and beyond, so that we can guard against, in a more effective way, the distresses that confront farmers today. But for now, to deal with the emergency and the problems of today, let's pass a bill that will put money in the pockets of farmers.

That is the object, not to improve conservation programs which can be done in the next farm bill. Of course, we are going to reauthorize these conservation programs. But doing it with $1 billion gratuitously from the budget resolution that provides for economic assistance to farmers, that is not direct economic assistance to farmers. That is an indirect benefit, of course, to agricultural producers and to society in general, but it is not money in the pockets of farmers, as the House-passed bill provides and as the Lugar alternative before the Senate today provides.

I had hoped there could be a way to provide exactly the same assistance we provided last year and the year before. I crafted an amendment I was prepared to offer in the Senate Agriculture Committee that would do just that.

My amendment would provide for $5.46 billion for market loss assistance to farmers. This is the same level of support farmers have received for the past 2 years. My amendment provides an additional $500 million for oilseed assistance, which is the same as last year, and $1 billion for aquaculture and other specialty crops. This is a total amount of $6.475 billion, and it represents approximately half of the Agriculture budget for both fiscal year 2001 and fiscal year 2002 combined.

The $7.5 billion reported in the bill by the Senate Agriculture Committee contains nearly $1 billion for programs that do not provide direct economic assistance to farmers. Why argue about that? Why argue about that in conference and spend some amount of time delaying the benefits that farmers need now?

My suggestion is, the best way to help farmers today is to pass the Lugar substitute. It goes to the President, and he signs it. We can't write the President out of this process. He is involved in it. He has committed to veto the bill as reported by the Senate Agriculture Committee. Nine of us voted against it; 12 voted for it. But we are asking the Senate today to take another look realistically at the options we have.

Let's not embrace what we would hope we could do. Let's embrace what

we know we can do. I don't care how many charts you put up here to show how bad the situation is in agriculture, you are not going to change the reality of the House action and the President's promised action.

We are part of the process and we have a role to play—right enough—and we can exercise our responsibilities when we rewrite the farm bill. If there is an indication that additional assistance is needed later on, we can take that from the budget resolution which provides for economic assistance for farmers in the 2002 crop year. We can do that. We don't have to solve every problem facing agriculture or conservation on this bill today. We can do what we can do today, and farmers understand that. They don't fall for a lot of political grandstanding. They don't spin all the charts that you can put up on the floor. That doesn't help them a bit. They know how bad it is. What they want is help now. To get help now, let's vote for the Lugar substitute.

I ask unanimous consent to print in the RECORD a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT TO THE EMERGENCY AGRICULTURE ASSISTANCE ACT OF 2001—SECTION-BY-SECTION

TITLE I

Section 101—Market Loss Assistance

Supplemental income assistance to producers of cotton, rice, wheat, and feedgrain producers eligible for a Production Flexibility Contract payment at the 1999 AMTA payment levels, totaling $5.466.

Section 102—Oilseeds

Provides $500 million for a supplemental market loss assistance payment to oilseed producers totaling $500 million.

Section 103—Peanuts

Provides peanut producers of quota and additional peanuts with supplemental assistance of $56 million.

Section 104—Sugar

Suspends the marketing assessment from the 1996 Farm Bill for the 2001 crop of sugar beets and sugar cane at a cost of $44 million.

Section 105—Honey

Makes non-recourse loans available to producers of honey for the 2001 crop year at a cost of $27 million.

Section 106—Wool and Mohair

Provides supplemental payments to wool and mohair producers totaling $17 million.

Section 107—Cottonseed Assistance

Provides assistance to producers and first handlers of cottonseed totaling $100 million.

Section 108—Specialty Crop Commodity Purchases

Provides $80 million to purchase specialty crops that experienced low prices in the 2000 and 2001 crop years. $8 million of the amount maybe used to cover transportation and distribution costs.

Section 109—Loan Deficiency Payments

Allows producers who are not AMTA contract holders to participate in the marketing assistance loan program for the 2001 crop year. Raises the Loan Deficiency payment limit from $75,000 to $150,000.

Section 110—Dry Peas, Lentils, Chickpeas, and Pecans

Provides $20 million for the 2001 crop year.

Section 111—Tobacco

Provides $100 million for supplemental payments to tobacco Farmers.

TITLE II

Section 201—Equine Loans

Allows horse breeders affected by the MRLS (Mare Reproductive Loss Syndrome) to apply for U.S. Department of Agriculture Emergency Loans. No CBO score.

Section 202—Aquaculture Assistance

Provides $25 million to assist commercial aquaculture producers with feed assistance through the Commodity Credit Corporation.

TITLE III

Section 301—Obligation Period

Provides the Commodity Credit Corporation the authority to carry out And expend the amendments made by this act.

Section 302—Commodity Credit Corporation

Except as otherwise provided in this Act, the Secretary shall use The funds, facilities, and authorities of the Commodity Credit Corporation to carry out this Act.

Section 303—Regulations

Secretary may promulgate such regulation as are necessary to implement this Act and the Amendments made by this Act.

COCHRAN AMENDMENT

	Senate
FY 01 Spending (Budget)	$5.5 billion.
Market Loss Payment	5.466 billion.
Cottonseed Assistance	34 million.
Subtotal FY01	5.5 billion.
FY02 Spending:	
Oilseed Payment	500 million.
LDP eligibility for 01 crop year	40 million.
Peanuts	56 million.
Sugar (suspend assessment)	44 million.
Honey	27 million.
Wool and Mohair	17 million.
Cottonseed	66 million.
Tobacco	100 million.
Equine Loans	0
Commodity Purchases	80 million.
Aquaculture	25 million.
Peas, Lentils and Pecans	20 million.
Double LDP Limit for 2001 Crop	0
Subtotal FY02	975 million.
Total	$6.475 billion.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank Senator COCHRAN for his great statement.

The question before the Senate is: do we want a reasonable package that will help farmers now that is within our budget, that we set out funds for, that can be delivered next week, or do we want a political issue that comes from a proposal which is full of provisions that have nothing to do with direct aid to farmers, that dramatically expands spending on programs that have nothing to do with an agriculture emergency, and a program that will almost—well, it will certainly be, since the President has now issued the veto message—be vetoed?

Ultimately, people have to come down to reaching a conclusion in answering that question.

What I would like to do today is make a few points. First, Senator COCHRAN is right. If we want to get aid to Texas and Mississippi and Iowa farmers next week, we need to pass the bill that passed the House or something very close to it. And passing the bill that passed the House, which can go directly to the President, which can be signed this week, is the right thing to do.

The second issue has to do with nonemergency matters in an emergency appropriations bill. I could go down a long list, but let me mention a few.

Changing the conservation reserve program: Maybe it needs to be changed, but do we have to do it in an emergency bill where we are trying to get assistance out the door by October 1? I think, clearly, we do not.

Expanding a yet-to-be-implemented program about farmable wetlands: I don't understand, in an emergency bill, expanding a program that has never gone into effect. Maybe we will want to expand it after it goes into effect, and we know what it is. But, A, I can't imagine we would want to do it now, and, B, why would we want to clutter up an emergency farm bill that desperately needs to become law this week or next by getting in that debate here?

Expanding subsidies for paper reduction in lunch programs: Maybe we need to increase subsidies for reducing the amount of paper that is expended in serving school lunch programs. Maybe that is a worthy objective. But why are we doing it on an emergency farm bill? I know of no critical shortage of paper in making plates and cups. So far as I am aware, we are capable of producing virtually an infinite quantity, not that that would be desirable public policy, but the point is, what does this have to do with the emergency that exists on many farms and ranches throughout America? The answer is nothing.

Additional funding for the Senior Farmers' Market Nutrition Pilot Program: That may be a meritorious program. If I knew more about it, I might think it was one of the most important nutrition programs in America. On the other hand, maybe I would not think it is even meritorious if I knew more about it. The point is not whether it is meritorious or whether it is not; the point is, it has absolutely nothing to do with an emergency on farms and ranches all over America, and it has no place in an emergency farm bill.

Making cities eligible for rural loan programs and credits: I guess other things being the same, I do not think cities of 50,000 ought to qualify for programs that are aimed at helping rural America. I have a lot of cities of 50,000. Just looking at it, it does not strike me that this is a great idea, but it may be a great idea. Maybe I just do not understand.

The point is, what does this have to do with the emergency that is occurring in bank loans that our farmers

and ranchers all over America are having trouble paying? It has absolutely nothing to do with it, and it should not be in this bill.

There is an increase in funding bioenergy loan subsidy programs in this bill. Maybe bioenergy should receive additional funding. Maybe it receives too much funding. The point is, what does that have to do with an emergency in rural America? What does it have to do with farmers and ranchers trying to make that payment on that loan at the local bank? It has nothing to do with it, and it should not be in this bill.

Paying researchers at USDA beyond the civil service scale: I think highly of researchers. Some of my best friends are researchers. I used to be a researcher. Maybe this is God's work, changing the Civil Service Act to let researchers at the Department of Agriculture make more money. The point is, should we not look at that in the context of civil service? Shouldn't this be looked at by the committee that has jurisdiction, the Governmental Affairs Committee? Isn't this something on which we ought to have a fairly substantial debate? Are we going to do this at all the labs in America? Are we going to do it at the Department of Energy? Are we going to do it in oceanography? Is this the beginning of a major program?

No one knows the answer to this. I do not even know if a hearing ever occurred on this subject.

The point is, whether it is meritorious or not, what does it have to do with this farmer in plain view making that payment at the bank? It basically has to do with the pay of people who are fairly well paid. Maybe they are not paid enough.

This has absolutely nothing to do with the crisis in rural America. This is something that ought to be dealt with next year.

This brings me to the second point I want to talk about, and that is the $2 billion we are spending in this bill above the amount we said we were going to spend in the budget.

I have sat in the Budget Committee and I have sat in this Chamber and have heard endless harangues about how we are about to spend the Medicare trust fund—how dare we spend the Medicare trust fund.

My response has been, there is not a Medicare trust fund. We are running a surplus in Part A, we are running a deficit in Part B, and so there is no surplus, but that is not the point. The chairman of the Budget Committee has given us endless orations pleading that we not spend the Medicare trust fund, much less the Social Security trust fund. In fact, in committee and in the Senate Chamber, he and others have endlessly harangued about not spending these trust funds. Yet I hear no harangue today.

We are in the process today of considering a bill that is $2 billion above the amount we included in the budget to spend in fiscal year 2001 for the agriculture emergency—$2 billion above the amount we have in the budget.

Having harangued endlessly about every penny we spend, every penny we give back to the taxpayer in tax cuts is imperiling the Medicare trust fund, where is Senator CONRAD today? When we are in the process of adding $2 billion of spending above the budget, does anybody doubt that when the re-estimate comes back in August, when the new projections of the surplus come forward, given the economy has slowed down, does anybody doubt this $2 billion will come out of exactly the same Medicare trust fund about which we have heard endless harangues? Does anybody doubt that?

No, they do not doubt it, but where are the harangues today? Those harangues were on another day focused on another subject. The harangues were against tax cuts, but when it is spending, there are no harangues.

Lest anybody be confused, I do know something about the Budget Committee, having been privileged to serve on that committee in the House and the Senate. I understand the rules. Basically, the budget is whatever the chairman of the Budget Committee says the budget is.

We have before us a bill that is $2 billion above the amount we wrote in the budget for fiscal year 2001, but the chairman of the Budget Committee says it is okay to take $2 billion from 2002 and spend it in 2001 because in 2003, we can take the same $2 billion and spend it in 2002. Actually, we cannot. If he reads his own budget, he will see that in 2003, unless we have a sufficient surplus so that all funds are going into the Medicare trust fund and the Social Security trust fund and reducing debt or being invested, we will not be able to make the shift from 2003 to 2002.

One can say, as Senator CONRAD did yesterday, that he makes the determination in advising the Parliamentarian that this does not have a budget point of order. So by definition, if he says it does not have a budget point of order, it does not have a budget point of order, but does anybody doubt it violates the budget?

We wrote in the budget $5.5 billion, black and white, clear as it can be clear, that is how much we were going to spend. Now we are spending $7.5 billion, but it does not bust the budget? Why doesn't it bust the budget? Because the chairman of the Budget Committee, Senator CONRAD, advises the Parliamentarian that it does not bust the budget. He is the chairman of the Budget Committee, so how can it bust the budget when he says it does not bust the budget?

The pattern is pretty clear. Senator CONRAD is deeply concerned—deeply concerned—about spending these trust funds as long as the money is going for tax cuts, but the first time we bring to the Chamber an appropriation that clearly busts our budget, that spends $2 billion more than we wrote in the budget, that is all right because Senator CONRAD said it is all right. He said it does not bust the budget because we are going to take the $2 billion from next year.

If that creates a problem in writing the farm bill, I say to three Members who will be very much involved in writing the farm bill, Senator CONRAD has the solution: It is no problem, just take the $2 billion from 2003. There will be a problem, as I pointed out.

Basically what we have before us is an effort to take $2 billion and to spend most of it on non-emergency programs that do not affect directly the well-being of farmers who are in crisis today in a clear action that busts the budget.

I want to say this, not to go on so long as to be mean or hateful about it. I do not mind being lectured. I get lectured all the time. I guess I am about as guilty as any Member of the Senate in lecturing my colleagues. It comes from my background where I used to lecture 50 minutes Monday, Wednesday, and Friday, and an hour and 15 minutes on Tuesday and Thursday. My students paid attention because they wanted to pass.

Here is the point: I don't see how any Member of the Senate who stands idly by and watches us spend $2 billion more than we pledged in the 2001 budget that we were going to spend on this bill, how that Member can remain silent or support that effort and have any credibility ever again when they talk about concern over deficits or spending trust funds.

Ultimately, the debate is: Is it words or is it deeds? Are you really protecting the budget when we are on the floor spending $2 billion more than we said we were going to spend in the budget?

It seems to me if you vote for this $7.5 billion appropriation—it is an entitlement program and an authorization, in addition to the $7.5 billion—if Members vote for this $7.5 billion spending bill, which violates that budget by spending $2 billion more than we committed to, you cannot ever, it seems to me, have any credibility again in arguing you are concerned about the deficit or that you are concerned about spending the Medicare or Social Security trust fund.

There is no question when the August re-estimates come in, this $2 billion is going to come right out of the Medicare trust fund. We will have a vote. If Members want to live up to the rhetoric in saying we don't want to spend that trust fund, and we don't want to bust the budget, Members can vote for the Lugar amendment because it has three big advantages: First, it will become law this week, the President will

sign it; and, second, it doesn't bust the budget. Third, it doesn't take money out of the Medicare trust fund.

I think every argument that can be made that should carry any weight in this debate is an argument for the Lugar amendment. I urge my colleagues not to get into an argument that will delay the assistance to our farmers and ranchers. We are going to debate a farm bill in the next fiscal year. I don't know whether we will pass one or not. We are going to debate one. Why start the debate by taking $2 billion we have to finance a new farm bill and spend it now on non-emergency items, by and large? Why not live within the budget today, get a bill to the President that he can sign, let him sign it this week, and let the money next week go out to help farmers and ranchers.

In the next fiscal year, after October 1, we can debate a new farm bill. It is at that point that many of these issues need to be decided.

If Members do not want to bust the budget and Members want this bill to become law, and become law soon, vote for the Lugar amendment. I intend to vote for the Lugar amendment. I intend to oppose the underlying bill. It violates the budget. It spends $2 billion more than we pledged to limit spending in the budget. I intend to resist it as hard as I can. I think it sends a terrible signal that here we are, despite all our high-handed speech about spending trust funds and living within the budget, and we come to the first popular program that we voted on and now we are busting the budget by 40 percent. Forty percent of the funds in the bill before the Senate represents an increase in spending over the budget that we adopted. That is a mistake.

I urge my colleagues to vote for the Lugar substitute. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I am surprised to hear the Senator from Texas talk about how this does not comport with the budget resolution. The Senator from Texas is a member of the Budget Committee. The Senator from Texas must know full well the budget allows $5.5 billion for the Agriculture Committee to expend in fiscal year 2001. The Budget Committee also gave instructions to the Agriculture Committee that the Agriculture Committee could expend up to $7.35 billion in fiscal year 2002.

The reason that a point of order does not lie against this bill is not because of what the Budget Committee chairman said but because of the way the budget was written and adopted by the Senate when under the control, I might add, of my friends on the Republican side. I didn't hear the Senator from Texas say at that time when the budget was adopted we shouldn't be doing this—that we should only adopt $5.5 billion for 2001 and nothing for 2002. I didn't hear the Senator from Texas at the time the budget was adopted get up and rail against that.

So there it is. We have it in the budget that this committee is authorized to expend up to $7.35 billion in fiscal year 2002.

I say to my friend from Texas, we didn't do that. We didn't expend $7.35 billion; we expended about $2 billion of that $7.35 billion that will be spent in fiscal year 2002.

The Senator from Texas surely knows we are not spending any 2002 money in 2001. We are spending 2001 money prior to September 30, but the other $2 billion, about, is spent after October 1, which is in fiscal year 2002 and is allowed under the budget agreement adopted by the House and the Senate.

I didn't hear the Senator taking issue at that when the budget was adopted. We are only doing what is within our authority to do.

Again, the Senator from Texas also went on at some length to read about some of the programs in the bill. I refer to last year's bill when we passed emergency assistance. There was a lot of extraneous stuff put in there because it was felt it was needed.

Carbon cycle research was in last year's bill; tobacco research for medicinal purposes; emergency loans for seed producers; water systems for rural and native villages in Alaska; there is the Bioinformatics Institute for Model Plant Species in last year's ''emergency'' bill, along with crop insurance and everything else.

I point out to my friend from Texas, there are no new programs in this bill, not one. In last year's bill there was a new program put in that probably, I suppose, we could have said should not have gone in the farm bill, but I thought it was reasonable and it was put in at that time on a soil and water conservation assistance program which was a brand-new program included in the emergency bill last year. I did not hear last year the Senator from Texas getting up and saying that the emergency bill should not include those. He is saying that this year.

Again, we made no changes, and we made no policy changes. There is one technical correction included, and I had to smile when I heard the Senator talk about the paperwork reduction in the school nutrition program. Actually, that was requested by the House Committee on Education and the Workforce. They actually requested we do that to take care of a problem in paperwork. We said it sounds reasonable. We might as well do it. Why not take care of it?

Again, there are no new programs, no new changes. All there is is one technical change in the CRP program, but in last year's emergency package there were a number of technical fixes and changes. There were new programs, as I pointed out. There were changes in eligibility. All that was done. We do not do that, basically, in this bill. There are no new conservation programs. All we are doing is funding the ones that are out of money.

I do want to at least address myself very briefly to another issue. I heard some of my friends on the other side say: Yes, we do have a dire situation in agriculture; yes, farmers are hurting; yes, it has not gotten any better since last year. But because Mr. Daniels, the head of OMB, has said he would recommend a veto, we can't meet the needs of farmers out there.

I ask my colleagues, who knows agriculture better, Mr. Daniels or the American Farm Bureau Federation? Who knows agriculture better, the National Corn Growers Association or Mr. Daniels? Who knows agriculture better, the National Farmers Union or Mr. Daniels? Who knows agriculture and their needs better, the National Wheat Growers Association or Mr. Daniels at OMB?

I say to my friends on the other side of the aisle who understand that we have some real unmet needs out there, we really have some farmers all across America who are hurting, as we have heard from all of their representatives. I say to them: Call on the President. Don't let Mr. Daniels speak for you. I say to my friends who understand agriculture, who understand the needs out there: Call up President Bush and say we need this package.

I have heard Senators on the other side—not all of them, but I have heard some of them say we need this assistance; we need the kind of money we are talking about; but because there has been a threat of a veto, we cannot do it.

I daresay that if Senators who hold that view were to call up the President and say: Mr. Daniels is wrong on this; we need this money; farmers desperately need it, I, quite frankly, believe the President would listen to the Senators here who represent agricultural States rather than Mr. Daniels.

I don't know what Mr. Daniels' background is. I don't know if he is a farmer, if he comes from a farm or not. I don't know, but I don't think he understands what is happening there in agriculture.

Last, there was a statement made—I wrote it down—''political grandstanding.'' I resent the implication that what we are doing is political grandstanding. We took a lot of care and time to talk with Senators on both sides of the aisle. I talked with Representatives in the House of Representatives. We met with farm groups to try to fashion a bill that did two things: It met the requirements of the Budget Act and, second, met the needs farmers have out there.

I really resent any implication that there is political grandstanding. We

may have a difference of opinion on what is needed out there. I can grant there may be some differences of opinion on that. But that is why we have debates. That is why we have votes. But in no way is this political grandstanding. This is what many of us, I think on both sides of the aisle, believe is desperately needed in rural America.

Since it is desperately needed, I hope my friends on the other side of the aisle will contact the President and tell him this is one time he needs to not listen to the advice of Mr. Daniels but to listen to the advice of our American farmers, their Representatives here in Washington, and the Senators who represent those farm States.

I yield the floor. I see my friend from Nebraska is waiting to speak.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Nevada.

Mr. REID. Madam President, before you recognize the Senator from Nebraska, I have a unanimous consent request. I ask unanimous consent that I be recognized to move to table Senator LUGAR's amendment at 3 o'clock this afternoon and the 45 minutes prior to that vote, after our conferences, be equally divided between Senators HARKIN and LUGAR, and that no other amendments be in order prior to that vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I rise in support of this legislation, S. 1246, and in opposition to the amendment offered by my good friend, Senator LUGAR. I know he is attempting to do what he thinks is best. That is what this honest debate should be about—what is best for American agriculture and how we can best meet those needs.

I notice my good friend, Senator COCHRAN from Mississippi, has a view that is a little different from that of Senator LUGAR in that he had prepared an amendment of about $6.5 billion but is supporting Senator LUGAR in his effort at $5.5 billion. But it points out that there are honest differences of opinion, even on the other side.

The reason I support S. 1246 is that it is a balanced bill and one that takes into account the diversity of agricultural interests all over this country. It recognizes that the major commodities are in their fourth year of collapsed prices, yet at the same time recognizes that economic assistance cannot and should not go just to program crops, it must reach further, to add additional farmers who are suffering and who do not happen to grow wheat, corn, or rice.

On a parochial level, the bill before us holds several provisions that are important to Nebraskans. It is no exaggeration to say that agriculture is the backbone of Nebraska's economy, for one of every four Nebraskans depends on agriculture for employment. It has been an ongoing source of concern for me that when the rest of our economy was booming, production agriculture was on the decline.

As do other Senators, I regret having to supplement our farm policy with billions of dollars of additional emergency assistance every year. So it is, in fact, high time to move on with the writing of a new farm bill for just that reason.

But until then, we have to be here to help those who produce food, who feed our Nation. This bill does that. This bill provides for an additional AMTA, or Freedom to Farm payment, at the full $5.5 billion level, which is what producers in Nebraska want. It is what producers all across our country want and what they expect us to provide. The bill passed by the House does not do so, and any package that spends just $5.5 billion cannot do so. I believe that is unacceptable.

This bill provides for assistance for oilseeds, which are not a program crop. It suspends the assessment on sugar, which is critical to the beleaguered sugar beet growers of western Nebraska and other parts of our country. And it beefs up and in some cases reinstates spending for vital conservation programs, all of which face long-term and growing backlogs and many of which would expire if not extended by this bill and were left for a farm bill later this year or next year.

In some cases my good friend from Texas points out some programs that do not, I suspect, seem to be quite as much of an emergency. But I think the good Senator from Iowa, Mr. HARKIN, answered that and said that in every emergency bill you might question the urgency or emergency of certain aspects of it but we ought not to let that get in the way of passing a bill that deals with emergency needs.

This bill also offers eligibility for LDP payments to producers who are not enrolled in the current farm program, a provision which I strongly support and which makes an enormous difference for the small number of producers who need this provision. In fact, Senator GRASSLEY and I introduced legislation to this effect earlier this year and I am grateful to Chairman HARKIN for including this provision. This morning I received a call from a constituent about this issue. So, for those who are eligible, there is no more important provision in this bill.

Finally, I commend the chairman for including funding for value-added development grants. This program was first funded last year, and it has been very popular in Nebraska. In fact, I know we have several grant requests under preparation for this funding, including one for a producer-owned pork processing and marketing facility. This is exactly the kind of program that we all talk about and want to encourage.

I am happy to support this package and know it will find wide support in Nebraska from farm groups and from farmers all over our State and our country.

It is beyond me why some Senators and the administration are so staunchly opposed to this bill. In fact, it provides a payment for a single crop year but stretching over two fiscal years, and it is within the budget constraints.

I can't find a way to explain to Nebraskans when prices are no better than last year's why the assistance provided by Congress should be cut. I can't find a way, and I don't intend to try to find a way to explain that. It just simply won't sell.

The Director of OMB suggested in his letter that the spending should decrease because farm income is up. That certainly may be true for our cattle producers. But this assistance flows primarily to row crop producers and others who are not enjoying such good fortune. How can I explain to my constituent who called this morning saying that he qualified for LDPs on his farm last year but he doesn't merit any assistance this year?

My point is that the tunnel vision approach that we must spend exactly and only $5.5 billion ignores an awful lot of needs in each and every one of our States.

I am not willing to say that the needs of producers who grow corn in Nebraska are more important than those who grow chickpeas or to the dedicated hog producers who are working diligently to process and market their own pork that we can't find a way to afford the value-added loan program that offers them their best chance to get off the ground. How can I say to them that they will have to wait for the farm bill and maybe there will be funding available after that?

This bill before us attempts to balance the needs across commodities and across the country. I think it is a great effort. I hope we can convince the House of its merits.

There was a statement that some of the payments will be direct but some will be indirect, as though there is some distinction there of any importance. The fact that we are able to get direct and indirect money into the pockets of farmers today is what this is about. That is what the emergency requires, and that is what this bill does.

As a fiscal conservative, I want to economize but not at the expense of America's farmers. I support this bill because I think it, in fact, will do what we need to do for agriculture on an emergency basis and give us the opportunity in a more lengthy period of time to come to the conclusion about what the ongoing farm bill should be and do that not on an emergency basis but on a long-term basis and a multiyear basis.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I thank my colleague from Nebraska. I associate myself with all of Senator NELSON's remarks.

I can't wait to write a new farm bill. I jumped on this Agriculture Committee when there was an opening because I have hated this ''freedom to fail'' bill. We have had a dramatic decline in farm prices and farm income.

I thank the Senator from Iowa for this emergency package. I rise to speak on the floor to strongly support what our committee has reported out to the Senate.

Let me say at the very beginning that I don't like the AMTA payment mechanism. I am disappointed that we have to continue to do it this way.

From the GAO to what farmers know in Minnesota and around the country, a lot of these AMTA payments have amounted to a subsidy and inverse relationship to need. The vast amount of the actual payments to farmers to keep them going goes to the really large operations and the mid-sized and smaller farmers do not get their fair share.

I also believe that a lot of younger farmers who were hurt by the low proportion of payments that go to them are also hurt as younger farmers. We need more younger farmers.

I believe all of this should be changed. The Senator from Iowa knows that. But I also think we have to get the payments out to people.

Let me say to colleagues that I am not prepared to go back to Minnesota and say to people in farm country that we didn't have the money to provide the assistance to you.

I think it is a shame that people are so dependent on the Government. People hate it. What they want is some power or some leverage to get a decent price in the marketplace. I believe in this farm bill that we are writing in the Senate Agriculture Committee. We should do so. I also believe that there should be a strong effort in the conservation part of this legislation.

I think there ought to be a section that deals with energy, and there ought to be a section dealing with competition. We ought to be talking about put putting more competition into the food industry.

I am becoming conservative these days in the Senate because I want to put more free enterprise into the free enterprise system. I want to see us take antitrust seriously. I want to see us go after some of these conglomerates that are muscling their way to the dinner tables and forcing family farmers out—and, by the way, very much to the detriment of consumers.

This emergency package has some very strong features. First of all, thank goodness, this is an emphasis on conservation and conserving our natural resources. From the CRP Program, to the Wetland Reserve Program, to Environmental Quality Incentive Programs, we are talking about programs that need the additional funding. We are talking about programs that are win-win-win: win for the farmers, win for Pheasants Forever, win for Ducks Unlimited, some of the best environmental organizations you could ever run across; a win for consumers; and a win for the environment.

Our Catholic bishop wrote a statement about 15 years ago entitled ''Strangers and Guests.'' He said we are all but strangers and guests in this land. They were looking at soil erosion and chemical runoff into the water.

The focus on conservation in this emergency package is just a harbinger of the direction we are going to go because this next farm bill is going to focus on land stewardship, on preserving our natural resources, on conservation, and on a decent price for family farmers as opposed to these conglomerates.

I believe what we have in this emergency package is extremely important. I thank my colleague from Iowa for an extension of the Dairy Price Support Program. It is important to dairy farmers in Minnesota and throughout the country. The program was due to expire this year. At least it is an effort to stabilize these mad fluctuations in price.

If you have a lot of capital, it is fine if you go from $13.20 per hundredweight to $9 per hundredweight. But if you do not have the capital and the big bucks, you are going to go under.

I think it is important to have that.

I thank my colleagues. The growers in the Southern Minnesota Sugar Beet Cooperative are going to receive benefits under the 2000 crop assistance program through this legislation. These are sugar beet growers of southern Minnesota who suffered because of a freeze in the fields last fall. They tried to process the beets. They tried to do their best. They couldn't make the money off of it. Frankly, without the assistance in this package, they wouldn't have any future at all.

Again, what is an emergency? From my point of view, if you can get some benefits to people who find themselves in dire economic circumstances through no fault of their own, and you can make sure that they can continue to survive today so that they can farm tomorrow, then you are doing what you should do.

That is what this package is all about. I fully support it.

As much as I like my colleague from Indiana and as much as I think he is one of the best Senators in the Senate, I cannot support his substitute amendment.

I hope we will have strong support on the floor of the Senate for this package of emergency assistance that comes to the Senate from the Senate Agriculture Committee.

By the way, we need to move on this matter. We need to get this assistance out to farmers. We don't need to delay and delay because then we are playing with people's lives in a very unfortunate way. We really are. This is the time for Senators to have amendments, as Senator LUGAR has. This is a time for Senators to disagree. That is their honest viewpoint. But it is not a time to drag this on and on so that we can't get benefits out to people who without these benefits are not going to have any future at all. We cannot let that happen. We cannot do that to farmers in this country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. MILLER).

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001—Continued

AMENDMENT NO. 1190

The PRESIDING OFFICER. Under the previous agreement, the time until 3 o'clock is evenly divided between Senator LUGAR and Senator HARKIN.

Who yields time?

Mr. REID. Mr. President, on behalf of Senator HARKIN, I yield 4 minutes to the chairman of the Budget Committee.

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

Mr. CONRAD. I thank the Presiding Officer and my colleague, and I thank the chairman of the Agriculture Committee for this time as well.

Mr. President, I want to address, just briefly, the statements that were made by the Senator from Texas about whether or not this bill—the underlying bill; not the amendment by the Senator from Indiana but the underlying bill—violates the budget, whether it busts the budget.

I think it is very clear that the bill brought out of the Agriculture Committee by the chairman, Senator HARKIN, does not violate the budget in any way. The budget provided $5.5 billion in fiscal year 2001 to the Agriculture Committee for this legislation and provided

an additional $7.35 billion in fiscal year 2002 for additional legislation to assist farmers at this time of need.

The bill that is in the assistance package provides $5.5 billion in 2001 and provides $1.9 billion in fiscal year 2002. It clearly does not violate the budget in any way. It does not bust the budget. It is entirely in keeping with the budget.

I just challenge the Senator from Texas, if he really believes this violates the budget, to come out here and bring a budget point of order. That is what you do if you believe that a bill violates the budget, that it busts the budget. Let's see what the Parliamentarian has to say. We know full well what the Parliamentarian would say. They would rule that there is no budget point of order against this bill because it is entirely within the budget allocations that have been made to the Agriculture Committee.

This notion of whether or not you can use years of funding in 1 year and in the second year is addressed very clearly in the language of the budget resolution itself. It says:

> It is assumed that the additional funds for 2001 and 2002 will address low income concerns in the agriculture sector today.

These funds were available to be used in 2001, in 2002, in legislation today. It goes on to say:

> Fiscal year 2003 monies may be made available for 2002 crop year support . . .

Understanding the difference between a fiscal year and a crop-year.

The fact is, every disaster bill we have passed in the last 3 years has used money in two fiscal years because the Federal fiscal year ends at the end of September and yet we know that a disaster that affects a crop affects not only the time up until the end of September but also affects the harvest in October and the marketing of a crop that occurs at that time. So always two fiscal years are affected.

Finally, the Senator from Texas said that this will raid the Medicare trust fund.

No, it will not. We are not at a point that we are using Medicare trust fund money. We are not even close to it at this point. I believe by the end of this year we will be using Medicare trust fund money to fund other Government programs. I have said that. I warned about it at the time the budget was considered. I warned about it during the tax bill debate. It is very clear that is going to happen, not just this year; it is going to happen in 2002, 2003, and 2004. And in fact we are even going to be close to using Social Security trust fund money in 2003.

This is not about that. This is about 2001. This is about 2002. In this cycle, this part of the cycle, we are nowhere close to using Medicare trust fund money. I would like the record to be clear.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Who yields time?

Mr. LUGAR. Mr. President, I yield time to the distinguished Senator from Kansas. How much time does the Senator require?

Mr. ROBERTS. I thank the distinguished ranking member, and former chairman, for yielding me the time. I ask for 15 minutes if I might. If I get into a problem, maybe a minute or two.

Mr. LUGAR. I yield 15 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise to support the amendment offered by the distinguished former chairman of the Agriculture Committee, Senator LUGAR. I know agriculture program policy is somewhat of a high-glaze topic to many of my colleagues. I know many ask questions as to the details and the vagaries of farm programs, why we seemingly always consider for days on end every year emergency farm legislation and Agriculture appropriations, what we now call supplemental Agriculture bills.

In the ''why and hows come'' department, let me recommend to my colleagues yesterday's and today's proceedings and in particular Senator LUGAR's remarks with regard to this bill and, more importantly, the overall situation that now faces American agriculture and farm program policy. It is a fair and accurate summary that the ranking member has presented. In typical DICK LUGAR fashion, the Senator from Indiana has summed up the situation very well. If you want a 15-minute primer in regards to agriculture program policy, simply read the Senator's remarks.

Why are we here? Why are we considering this legislation? The title of this legislation is the Emergency Agriculture Assistance Act of 2001. The name implies to me that the bill is to fund pressing economic needs in farm country. We have them. That is what the committee actually set out to do. In the debate, we have heard a great deal about how much is enough to address the problems in farm country. And certainly with the committee's mark, some $2 billion over what was agreed to in the budget and with the possibility of a Presidential veto, that debate is absolutely crucial.

I don't believe any agriculture Senator is looking forward to a possible Presidential veto—I hope not—or agriculture becoming a poster child in regards to out-of-control spending, porkbarrel add-ons, or eating into the Medicare trust fund or, for that matter, Social Security.

It seems to me we ought to stop for a minute and ask: Why are we having these problems to begin with? For the third year in a row farmers, ranchers, and everybody else dependent on agriculture have been trying to make ends meet in the midst of a world commodity price depression, not just in the United States but the entire world.

There are many reasons for this: unprecedented record worldwide crops; the Asian and South American economic flu crippling our exports; the value of the American dollar, again crippling our exports; and my personal view, the lack of an aggressive and consistent export policy, highlighted, quite frankly, by the inaction in this Congress with regard to sanctions reform and Presidential Trade Authority (PTA).

If you have in the past exported one-third to one-half of the crops you produce and you experience 3 straight years of declining exports and increased world production, not to mention what many of us consider unfair trading practices by our competitors, you begin to understand why the market prices are where they are. Add in very little progress ever since the Seattle round in regards to the World Trade Organization, and you can understand why we have a problem.

Now what are we going to do about this? To address this problem, when this year's budget resolution was passed, it included $5.5 billion for spending in 2001 and $7.35 billion in 2002, with total funding of $73.5 billion for 2002 through 2011. I might add, if you add in the baseline for agriculture, you are talking about another $90 billion. That is a tremendous investment, to say the least.

When we passed the budget, the assumption among virtually all of us, and all of our farm groups and all of our commodity organizations, was that the funding for 2002—not 2001, the funding for 2002 would be used for one of two things: An agricultural assistance package in 2002, if needed, or funding for the first year of the next farm bill.

We should make it very clear to our colleagues, our farmers and ranchers, our conservation and wildlife organizations, our small towns and cities—we are borrowing from the future when we have $7.5 billion in this package. I don't know if it violates the budget agreement or not. I don't know what the Parliamentarian would say. Regardless, the pool of money available for writing the next farm bill has just shrunk by $2 billion. We are robbing next year's funds for this year's emergency bill.

We are going to be left with less than $5.5 billion in 2002 funding. Are we prepared to take that step? Apparently some are.

There are always disagreements on the Agriculture Committee. But I think the Agriculture Committee is probably the least partisan committee, or one of the least, in the Congress. Certainly in the Senate, we have always tried to work in a bipartisan manner. In fact, that is how former Senator Bob Kerrey of Nebraska and I

operated when we wrote and passed crop insurance reform in the last Congress with the leadership and the able assistance of the chairman and the ranking member. With all due respect, that has not happened on this legislation.

We were given very short notice on the components of the package, the markup itself. When we actually arrived at markup, the legislation was not the same language our staff was provided the night before. I will not dwell on that, but it is most unfortunate. It is a harbinger of what I hope will not happen in regards to the farm bill debate.

Furthermore, I am deeply troubled that the title of this legislation is the Emergency Agricultural Assistance Act of 2001. The name implies that the bill is to fund pressing economic and income needs in farm country. That is not what we have before us with this proposal.

In fact, I am deeply concerned that we are providing funding here for several commodities that are actually at or above their long-term average prices and returns, while also making many programmatic changes. We are doing a mini farm bill.

I want to serve warning. I do not argue that commodities, other than the program crops, have not faced difficult times. Indeed, many have been in rough times. But let's make it very clear that the program commodities, those that are usually receiving the AMTA payments, the market loss payments, have stringent requirements that many, if not all, specialty crops do not have to meet in order to be eligible for payments.

Chief among these is conservation compliance. To receive assistance, a program crop producer has to meet very stringent requirements on conservation compliance. In many instances they have spent thousands of dollars to meet and maintain these requirements—good for them, good for their farming, and good for the environment.

Today I put colleagues on notice that if we intend to continue making payments to commodities that do not meet these requirements, I will propose they have to meet the same guidelines as producers of wheat, corn, cotton, rice, and soybeans to receive their payments. I thought about introducing an amendment on this legislation. That would just delay it further and get us into more debate, and I consider it an item for the Farm Bill debate. Time is of the essence, so I will not do that. I do mean to offer or at least consider it when we debate the farm bill. It isn't so much a warning. It is just a suggestion that fair is fair. All commodities should be treated equally in their requirements to receive payments through the Department of Agriculture.

Let us also remember exactly why we set aside the $5.5 billion for the purpose in the budget. The $5.5 billion is equal to the market loss assistance payment we provided last year, and it was to address continued income and price problems with these crops.

What am I talking about? Wheat, 57 cents to 67 cents below the 12-year average. That is about a 20-percent drop below the 12-year average. That is the plight of the wheat producer. Cotton, 7.65 cents below the 12-year average, about 12.5 percent below the 12-year average. Rice, same situation, even worse—about 27 percent below the 12-year average, $2.02 per hundredweight below the 12-year average of $7.52 per hundred weight. Corn, 47 cents below the 12-year average; 21 percent below the average price. It is the same thing for soybeans, 26 percent below the average price.

In regard to these problems in farm country, I believe we will continue to stand and face the same problems, regardless of what farm bill we put in place, if we do not get cracking on selling our product and having a consistent, regular, predictable, and aggressive export program.

The real emergency bill, as far as I am concerned, other than this one, is passing a clean bill to grant the President trade promotion authority—the acronym for that is the TPA—and obtaining real sanctions reform.

The distinguished ranking member of the committee, Senator LUGAR, has had a comprehensive sanctions reform bill proposed for as long as I have had the privilege of being in the Senate. I do not argue that trade will solve all of our problems. It will certainly help.

In 1996—this is one of the reasons we are here—ag exports were over $60 billion, almost hit $61 billion. Last year, ag exports were only $51 billion. Just subtract the difference. It is not a one-for-one cost, but one can see $50 billion and $61 billion, not selling the product. That is roughly about the same amount we are sending out in subsidies the past two or three years. That seems to indicate we should press ahead in an emergency fashion in regards to our trade policies as well.

Since 1994, when the trade authority expired, there have been approximately 130 bilateral agreements negotiated around the world. We have been involved in two of them. We cannot sell the product in regards to that. It is very difficult to compete in the world market when our negotiators cannot get other countries to sit down at the table.

I am a little disturbed and very concerned in regard to the lack of real blood pressure to move ahead on this legislation from the other side of the aisle. I am getting the word that trade authority for the President might not even be passed this session. It might put it off on the back burner. How on Earth can we be passing emergency farm legislation to provide assistance to hard-pressed farmers and ranchers when we have lost our exports and we cannot sell the product? We have to move here, it seems to me, on TPA.

As we have begun hearings on the next farm bill, I have also indicated my support for expanding conservation and rural development programs. This farm bill is going to have conservation and rural development in the center ring with the commodity title. I stand by that support.

I want to credit the chairman of the committee, the distinguished Senator from Iowa, who has shown great leadership in focusing on conservation. The increases in funding and the program changes should be done in the context of the farm bill where we can a have full and open debate. Senator CRAPO has a bill that I have cosponsored and others have bills. In this bill we have not had a full and open debate on the conservation programs in this bill. There are numerous provisions in this legislation that either create or extend or modify USDA programs, many of which have nothing to do with the financial difficulties in rural America.

This is going to create a problem, not only in the Senate but also in regards to the House-Senate conference. The best I can tell, the way this legislation is drafted, it is going to require a conference with at least three separate House committees, the chairmen of which are not exactly conducive to emergency farm legislation. That is not the way to create swift and easy passage of what many consider must-pass legislation.

We are going beyond the scope of this legislation by including provisions that should be debated and considered openly in the farm bill debate. I think we are making decisions that are taking away from the 2002 budget for 2001 and reducing either a 2002 emergency package or the next farm bill money by $2 billion.

My last point is this: I am concerned about the tone of some of my colleagues in terms of their debate, especially on the other side of the aisle, who argue that we on this side of the aisle were responsible for holding up this bill and putting agricultural assistance for our farmers and ranchers in jeopardy.

We have already told every farm lender, every farmer and rancher in America, that a double AMTA payment was coming. Why? Because of the loss in price and income I have just gone over with all of the program crops and other crops as well. Every banker knows that. Every producer knows that. We have to do it now because the Congressional Budget Office, in a letter today, tells us we will lose the money if we do not.

In May, the Senator from North Dakota, Mr. CONRAD, in his position as

the then-ranking member of the Budget committee, wrote to then-chairman LUGAR of the committee, asking that the committee move on an agricultural assistance package or risk losing the funds.

Soon after that letter was received, we had a little fault line shift of power in this body. The fault began to take place in late May. It was completed on June 5, when the distinguished Senator from Iowa took over as chairman of the Agriculture Committee.

Let me repeat that. My colleagues on the other side of the aisle took over June 5. The legislation was not brought before the Agriculture Committee until last week, July 25, 7 weeks after taking over the reins of control, 9 calendar days from our scheduled August adjournment. This delay occurred when everybody knew full well we were going to have contentious issues, the Dairy Compact, everything, and it could lead to a prolonged and substantial debate.

I see my time has expired. I ask for 2 more minutes.

Mr. LUGAR. I yield the Senator 2 more minutes.

Mr. ROBERTS. I thank the distinguished Senator.

We know anytime an ag bill is brought to this distinguished body, we are getting into all sorts of controversies and so consequently, knowing this, they went ahead and presented a bill $2 billion higher than the House version.

It is $2 billion higher. We have all these other programs we should consider in a farm bill. They are good programs. I support the programs. It is substantially different in substance from the House bill that is going to require a conference with up to three House committees.

Speaking of the House, I want to point out the House Agriculture Committee passed its version of this assistance package June 20. It passed on a voice vote in the House—get it out, get the assistance out to farmers. It did not even have a vote. They passed it by a voice vote, June 26, a full month before we even held committee markup in the Senate.

I might also point out it was the ranking member of the House, the distinguished Congressman from Texas, CHARLIE STENHOLM, who led the charge to keep the package at $5.5 billion.

Let me go through that time line again: The Senator from Iowa took the reins of the Committee on June 5, the House Agriculture Committee passed the bill on June 20, and the full House passed the bill by voice vote on June 26. Yet, we did not even act in the Senate Agriculture Committee until July 25. I must ask why we waited, when we knew it was must pass legislation?

We can pass a $7.5 billion. We can go ahead and do that. It will be $2 million over what we allowed in the budget. We are robbing Peter to pay Paul. Again, we could come up with different names. We can take a look at the possibility of a Presidential veto. That is a dangerous trail to be on. I do not want to go down that trail. We have an opportunity now to vote for Senator LUGAR's amendment and keep this within budget, keep this within guidelines, and get the assistance to farmers.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 6 minutes to the Senator from North Dakota, Mr. DORGAN.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I will not spend much time now, but I find it incongruous that my colleague from Kansas talks about delay. When we tried to bring this bill to the Senate, we had to file a cloture motion to proceed to debate the bill. I repeat, we could not even proceed without filing a cloture motion—so much for delay. That really is pretty irrelevant to farmers out there who are today doing chores, hauling bales and plowing ground while worrying whether they will be able to continue to operate their family farm.

The question is: Is somebody going to step in and give them the right help and say they matter, and that we want them as part of our future? That is the question.

The phrase was used, if we pass this legislation and deny the amendment by Senator LUGAR, we will be borrowing from the future. I tell my colleagues how to quickly borrow from the future for this country, and that is to sit by and watch farm bankruptcies and farm foreclosures. Family farms being lost is borrowing from America's future as well.

We stand in suits and ties—we dress pretty well here—talking about the agricultural economy in some antiseptic way. None of us has had a drop in our income to 1930s levels in real dollars—none of us. Has anybody here had a huge drop in income back to 1930 levels in real dollars? I do not think so. But, family farmers have suffered a collapse of this magnitude to their income.

We have had people say things are better today on the family farm; prices are up; Gee, things are really going along pretty well and looking up. If you take 15- or 25-year lows and say prices have improved slightly, you could make the case they have improved slightly, but you still have dramatically lower income than you have had for many years. Another thing that must also be considered is this year's dramatically higher input costs, such as fertilizer and fuel prices.

The only people who, in my judgment, can say things are much better are the people who are not getting up in the morning to do chores or trying to figure out how to make a tractor work to make a family farm operate on a daily basis.

The question is not so much what does Washington think; the question is what do family farmers know. I will tell you what they know. They know they are hanging on by their financial fingertips struggling to see if their family can stay on the farm when they are receiving 1930s prices and paying inflated prices for every one of their inputs when putting in a crop.

The amendment before us is to cut this funding for family farmers by $1.9 billion. It is an honest amendment. You have a right to propose a cut, and you have a right to say farmers do not deserve this much help. It is not accurate to say if this amendment is adopted that farmers will receive a double AMTA payment. The fact is, they will not. This amendment will reduce the amount of help available to family farmers.

It is interesting to me that we have had four successive years of emergency legislation to respond to the deficiencies of the current farm program. I can remember the debate on the farm program—a program I voted against. This was nirvana. Boy, was this going to solve all our problems. We now know it solved none of our problems.

Year after year we have had to pass an emergency bill. Why? To fill in the hole of that farm program that did not work. We need to get a better farm program. We are about the business of doing that. In the meantime, we need to save family farmers and help them get across those price valleys. Everything in this country is changing. Go to a bank and in most places that bank is owned nationally with little branches around the country.

Do you want to get something to eat? In most cases, you are going to get something to eat at a food joint that has ''mom and pop'' taken down and it has a food chain logo on top.

Do you want to go to a hardware store? Local hardware stores are not around much anymore. Now it is a big chain.

The last American heroes, in my judgment, are the folks on the farm still trying to make a living against all the odds. Sometimes they are milking cows, sometimes hauling bales, always doing chores. They also put in a crop while praying it does not hail, that they do not get insects, that it does not rain too much, that it rains enough. And if these family farmers are lucky enough to get a crop, they put it in a truck and drive it to an elevator, they find out that the price it is worth is really only in 1930 dollars. They find out the food they produce has no value. The farmer who risks everything for himself and his family is told: Your food has no value. In a world where people go to bed with an ache in their belly because it hurts to be hungry, our farmers are told their food has no value.

There is something disconnected in public policy. The question is, are family farmers like the little old diner that is left behind when the interstate comes through? It is a romantic notion to talk about them, but that is yesterday's dream. Is that what family farms are? Some think that. Some think our future is mechanized corporate agriculture from California to Maine.

I think the family unit and family agriculture which plants the seeds for family values that nourish and refresh our small town and big cities—the rolling of those valleys from small towns to big cities—has always represented the refreshment of character and value in this country. Family farms are important to our future.

This amendment is asking that we cut back by $1.9 billion the amount of emergency help that family farmers need just to keep their heads above water until we can get them across this price valley. We need a bridge across these valleys for family farmers. We need a better farm program to provide that bridge. In the meantime, we need this legislation and we need to defeat this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Mr. President, I ask that I be yielded 6 minutes from the ranking member's time.

Mr. LUGAR. Will the Senator accept 5 minutes? We are almost at our limit.

The PRESIDING OFFICER. The Senator has 4 minutes 45 seconds remaining.

Mr. BROWNBACK. I will even accept 4 minutes 45 seconds at this point.

Mr. LUGAR. Very well. I yield that time.

Mr. BROWNBACK. Mr. President, I wish to respond to some of the comments made today and strongly urge my colleagues to support the effort put forth by Senator LUGAR to get this assistance now to the family farmers in my State and across this country.

The Senator from North Dakota just spoke about the need to get this help to the family farmers and the people who start the tractors and move the bales. That is my family. That is what they do. That is what my dad and brother do. My other brother is a veterinarian. We are intricately involved in agriculture and have been for generations.

This help is needed, but I can tell you one thing as well: a rain today is much more useful than a rain in November. We need it during the growing season. We can use the money today and not in the next fiscal year.

What we are really flirting with is the very real possibility that the Senate could say: OK, $5.5 billion is not sufficient. We want more. I would like to have more for my farmers, but at the end of the day, we put in a higher number than the House and we cannot get to conference in time and the President, on top of that, has said he will veto the bill if it is over $5.5 billion.

At the end of the day, instead of getting $5.5 billion or $7.4 billion, we get zero out of it, and that would be very harmful to the farmers across this country—the wheat farmers and the grain crop farmers across Kansas. It would be very harmful to my family who is looking at a situation where prices have been low and production high and where we have not opened up foreign markets.

I was in Wilson, KS, at the Czech festival talking with farmers there. Overall, they appreciate the freedom and flexibility in this farm program but would like us to open up some of these markets. They say we have not done that in sufficient quantity yet.

They say as well they need support from the farm program and they need it now. They do not need it taking place 6 months from now. If you are looking at saying we have $5.5 billion or zero, they will say the $5.5 billion, that is what we need to do.

It looks to me as if we are staring at a very dangerous gamble saying: OK, we think we can bounce this number up another nearly $2 billion, and we are looking at less than a week to do this. In that period of time, it has to clear the Senate, get to the House, and the President has to say: Yes, you are right, I have changed my mind; it is not $5.5 billion; I will jump that number up some.

I do not think that is a safe gamble at all, and it is not a gamble we should make the farmers of the United States and the farmers across Kansas take when we are looking at this particular type of difficult financial situation in which the farmers find themselves.

It is responsible for us to support Senator LUGAR and what he is putting forward to get the $5.5 billion that has been promised. It is a responsible thing for us to do, even though we would like to put more into the farm program. This we can do; this we should do. I believe this is something we must do, and we must do it now.

I urge my colleagues to vote for the Lugar amendment. This is the type of assistance we can and should get out the door. Let's do this now and not gamble on something that might be higher in the future.

Mr. President, I reserve the remainder of the time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Parliamentary inquiry: How much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Indiana has 1 minute 10 seconds, and the Senator from Iowa has 10 minutes 45 seconds.

Mr. HARKIN. Mr. President, I yield 2 minutes off my time to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished chairman for his thoughtfulness.

I hope Senators will support my amendment and vote no against the tabling motion. I ask them to do this because I believe it is the only way in which farmers are going to receive any money.

I will go over the situation again. If we adopt the House language, we do not have a conference, and that is very important, because in a conference with the House, other items could arise that are of concern to Senators. As it is, we know the parameters of the bill as we see them. Adoption by the Senate of the House language means we have no conference, the President signs the bill, and the money goes to the farmers.

We have received from the CBO assurance that this bill must be successfully conferenced and passed by the Senate and the House before we recess, and the President must sign it in the month of August or there will be no checks. None. Senators need to know that.

The fact is, we have a difference of opinion. But the specialty crops are cared for by the House bill. The AMTA payments are cared for—not in the quantity that persons in either of these categories wish to achieve but this is emergency spending. It is our one opportunity to do it.

I am hopeful, in a bipartisan way, we will reject tabling; we will pass the amendment; we will go to the President, united with the House; and we will get the money to the farmers. This is very important, as opposed to having a partisan issue, as opposed to discussing how sad it was that somehow we miscalculated, how sad it was, indeed, for the farmers that we were attempting to help.

Finally, I believe we are doing something responsible. I believe we are filling in the gap for income, and our estimates are that farmers will have less this year, and we are going to make certain they have more; that country bankers are paid and they can count on it; and that farmers will plant again and they can count upon it. Any farmer listening to this debate wants us to pass the bill today and to move on with the House and the President. They do not want haggling over who is responsible, which party really cares more, which crop should have had something more, or an opportunity for mischief to occur in the conference, in which finally the whole issue revolves on something other than what we have been talking about today.

I plead with my colleagues, in a bipartisan way, to reject tabling and to support the Lugar amendment.

Mr. HARKIN. How much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. HARKIN. Mr. President, it is not easy to say the amendment offered by my good friend from Indiana should be defeated because he is my good friend and I know he is doing this in good faith. We have talked about this and I know he feels deeply this is the way we should go. Quite frankly, as we all are friends on the Senate floor, we differ sometimes on how we ought to proceed and what is needed to meet the needs of our constituents. I respectfully dissent from that position that my friend from Indiana has taken.

I believe the $5.5 billion passed by the House is inadequate. I am not just saying that. Read the letters I have had printed today from the American Farm Bureau, the National Wheat Growers, the National Corn Growers, the National Soybean Association, and on and on and on. Every one of them is saying it is inadequate; that we have to provide the same payments to our farmers this year as we did last year.

I have heard talk that the markets have improved. That is not true. The livestock sector has gone up a little bit; that is, the livestock sector but not the crop sector. We hear the aggregate income has gone up.

Mr. President, say we are in a room of 10 people and we are talking about prescription drug benefits for the elderly. We have 10 people in the room and you put Bill Gates in the room. All of a sudden you say the aggregate income in the room is $1 billion per person so why do you need benefits under Social Security? That is what they are saying.

Yes, aggregate income has gone up because of the livestock sector, but that has not happened with the crop sector. Because of the increase in the price of fuel and fertilizers, farmers today are in worse shape than they were last year.

The House bill provides 85 percent of the support level we provided last year and the year before. The bill the committee reported out—and it was not a straight party line vote either —the bill we reported out provides for 100 percent of what they got last year and the year before. As I said, all of the groups we have received letters from support this position.

I ask that by unanimous consent a letter from the National Cotton Council of America be printed in the RECORD, along with a position paper from the National Barley Growers Association, and a letter dated today from the Oil Seed Federation, the American Soybean Association, the National Sunflower Association, and the U.S. Canola Association.

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

JULY 31, 2001.

Hon. TOM HARKIN,
Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The undersigned oilseed producer organizations strongly support the Committee's efforts to complete consideration of legislation to provide Economic Loss Assistance to producers of 2001 crops prior to the August Congressional work period. As you know, funds available for this purpose in FY–2001 must be expended before the end of the Fiscal Year on September 30, 2001. This deadline requires that Congress complete action this week, so that the Farm Service Agency can process payments after enactment.

As part of the Economic Loss Assistance package, we support continuing the level of support for oilseeds provided in last year's plan of $500 million. Prices for oilseeds are at or below levels experienced for the 2000 crop. Farmers and their lenders expect Congress to maintain oilseed payments at last year's levels.

For this reason, we support making funds available for oilseed payments from the $7.35 billion provided in the Budget Resolution for FY–2002. This is the same approach used for 2000 crop oilseeds, when $500 million in FY–2001 funds were made available. We only ask that oilseed producers receive the same support, and in the same manner, provided last year.

Thank you very much for your efforts to provide fair and equitable treatment for oilseed producers in this time of severe economic hardship.

Sincerely yours,
BART RUTH,
President, American Soybean Assn.
LLOYD KLEIN,
President, National Sunflower Assn.
STEVE DAHL,
President, U.S. Canola Assn.

NATIONAL BARLEY GROWERS ASSOCIATION (NBGA)—POSITION STATEMENT

INCOME AND MARKET LOSS ASSISTANCE FOR THE 2001 CROP

The Fiscal Year (FY) 2002 budget resolution provides $5.5 billion in additional agricultural assistance for crop year 2001 and an increase of $73.5 billion in the agriculture budget baseline through 2011. The budget resolution also provided flexibility in the use of a total of $79 billion. Because agricultural prices are not improving and production costs continue to escalate, NBGA believes it will be difficult to fully address the chronically ailing agriculture economy if Congress provides no more than $5.5 billion in assistance.

Although projections show a rise in farm income, this is largely due to the fact that analysis project livestock cash receipts to rise from $98.8 billion in 2000 to $106.6 billion in 2001. At the same time, cash receipts from crop sales are up less than $1 billion.

Further, producers continue to face historic low prices and income as well as increased input costs. In 2000, farm expenditures for fuel and oil, electricity, fertilizer and crop protection chemicals are estimated to increase farmers' cost $2.9 billion. This year, USDA estimates those expenses will rise an additional $2 billion to $3 billion while farm income continues to decrease. These issues affect every sector of agriculture.

We urge Congress to mandate that the Secretary of Agriculture make emergency economic assistance for the 2001 crops in the form of a market loss assistance payment at the 1999 Production Flexibility Contract (PFC, or AMTA) payment rate as soon as practicable prior to the end of FY01.

We believe this additional assistance will help addresses the serious economic conditions in the farm sector and does not jeopardize the House and Senate Agriculture Committees' ability to develop effective new long-term farm policy in the near future.

NATIIONAL COTTON COUNCIL OF AMERICA,
Washington, DC, June 18, 2001.

Hon. LARRY COMBEST,
Chairman, House Agriculture Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your efforts on the behalf of US agriculture. It is clear your leadership has raised the level of awareness of the stark economic reality facing US agricultural producers both in the US Congress and the Administration. As the House Agriculture Committee addresses the various needs of the US agricultural sector in its markup for emergency assistance, the National Cotton Council supports the allocation of at least $5.5 billion for market loss assistance payments. This amount is sufficient to provide economic assistance in the form of a market loss assistance payment at the 1999 AMTA payment rate and is the minimum necessary for an effective response to the continued economic crisis that pervades the entire cotton industry. Even this amount will result in less total assistance than was provided to producers in 2000.

U.S. cotton producers have seen prices paid for all inputs rise by 10% since 1999, as measured by USDA. Prices in U.S. agricultural commodity futures markets are trading 55% to 65% of the values present in 1995. For cotton, the December contract on the New York Board of Trade (NYBOT) averaged 63 cents per pound from mid May to mid June in 2000. For the last 30 days the December 2001 contract on NYBOT has averaged just 47 cents. The squeeze on cotton producers is incredibly intense.

The National Cotton Council testified in February seeking total support for producers in 2001 to be no less than that provided in crop year 2000. In the specific case of cotton, the combined 2000 crop year AMTA and market loss assistance was 15.21 cents. A market loss assistance payment of 7.88 cents in 2001 is a solid move to toward last year's level of combined support. This assumes the entire $5.5 billion allocated for 2001 in this year's budget resolution is dedicated to market loss assistance. Any reduction below $5.5 billion for market loss assistance further harms the US agriculture production sector.

The National Cotton Council seeks additional funding for other critical issues facing our industry, including (1) cottonseed assistance; (2) elimination of the 1.25 cent Step 2 threshold; and (3) use of a modified base for the calculation of market loss assistance payments. Low cottonseed prices plague the industry for the third year in a row and cut substantially into producer income. For the past 2 crop years Congress has recognized the impact of low cottonseed prices on producers and ginners and provided cottonseed assistance payments. Offers for 2001 new crop cottonseed are as low as those faced in the most recent 2 years.

The National Cotton Council seeks elimination of the 1.25 cent threshold in the Step 2 competitiveness provision. The U.S. textile industry is reeling from the impact of textile and apparel imports associated with a strong dollar. U.S. mills used 11.4 million 480-lb. bales of US in cotton in 1997, but current use

rates are under 8.5 million. U.S. exports of raw cotton are also hampered by the strength of the dollar. Improved competitiveness in the face of external forces is critical to the economic health of the U.S. cotton industry.

The National Cotton Council also seeks relief for producers whose recent planting history differs substantially from the acres enrolled in the production flexibility contracts (PFC). The use of the PFC base for delivery of supplemental market loss assistance speeds payments to producers, but may not adequately address losses associated with actual production. The NCC proposal will not slow delivery of market loss assistance payments, but provides producers with an option to apply for additional assistance based on a modified base calculation. This enables the committee to more closely align production with supplemental assistance without slowing the delivery of this critical aid.

We understand there are many legitimate requests for assistance given the continued economic stress throughout agriculture. We urge you to develop a balanced package and to include these initiatives if sufficient funds become available now or at a future date and the ability of the Committee to write effective long term farm policy, consistent with the Council's and other groups' testimony, is not jeopardized.

Sincerely,

JAMES E. ECHOLS,
Chairman.

Mr. HARKIN. All we are saying is that we have a tough situation in agriculture. There is no reason why we shouldn't provide 100 percent of payments. That is what we did in our bill.

I point out the House bill initially started out at $6.5 billion. An amendment was offered to put it at $5.5 billion, and it passed by one vote. Two of those who voted sent me letters, which I have included in the RECORD, saying they want a more comprehensive bill, one that includes the Senate's provisions.

I say the responsible thing to do is to meet the needs of our constituents, our farmers, and our farm families around the country.

We also made the bill broader. In other words, we didn't just look at the program crops. We looked at a lot of other crops: the crops in the Northwest, the peas and lentils and chick peas, we looked at apples and what is happening to our specialty crops there. There are a lot of other farmers in the country who are hurting and who need assistance. We included them, also. I don't see why we should leave them out.

We made 100 percent of payments but we reached out. We also put in some strong conservation measures. The Lugar amendment leaves out all of the conservation provisions we put in the bill. The people that need that conservation are all over this country, anywhere from Georgia, to Washington State and California, to New York and Maine.

These conservation moneys do two things: They help our farm income, and they help our farmers. But they also help all in society by cleaning up our water and cleaning up our air and soil runoff. The conservation funding would lie dormant for the Wetland Reserve Program, the Farmland Protection Program and the Wildlife Habitat Improvement Program.

I think we are doing the responsible thing. I believe if we were to pass the committee-passed bill—and I believe the votes are here—and go to conference with the House, we can be back from conference with the House, I would hope, no later than tomorrow night, perhaps by Thursday. We would have a good conference report, one that could be broadly supported. I believe the President would do well to sign that bill.

Again, we will probably have to make compromises in conference. I understand that. I point out to all who will be voting, there is three times the amount of help to specialty crop producers in our underlying bill as in the Lugar amendment. To my friends on both sides of the aisle, I say we included moneys for crops all over this country. We didn't just single out one or two.

I am hopeful we can table the amendment offered, I know in good faith, by my friend from Indiana. But we have to meet our needs. We have to meet the needs of our constituents.

I make one final point: The committee bill is in full compliance with the budget resolution. We did exactly what the Budget Committee allowed us to do: $5.5 billion is spent before September 30; the other moneys in the next fiscal year. That is exactly what the budget resolution allows.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). It is now 3 o'clock. Under the previous order, the Chair recognizes the Senator from Nevada.

Mr. REID. Mr. President, I move to table the Lugar 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.

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

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—52

Akaka	Corzine	Johnson
Baucus	Daschle	Kennedy
Bayh	Dayton	Kerry
Biden	Dodd	Kohl
Bingaman	Dorgan	Landrieu
Boxer	Durbin	Leahy
Breaux	Feingold	Levin
Byrd	Feinstein	Lieberman
Cantwell	Graham	Lincoln
Carnahan	Harkin	Mikulski
Carper	Hollings	Miller
Cleland	Hutchinson	Murray
Clinton	Inouye	Nelson (FL)
Conrad	Jeffords	Nelson (NE)
Reed	Schumer	Wellstone
Reid	Snowe	Wyden
Rockefeller	Stabenow	
Sarbanes	Torricelli	

NAYS—48

Allard	Ensign	McConnell
Allen	Enzi	Murkowski
Bennett	Fitzgerald	Nickles
Bond	Frist	Roberts
Brownback	Gramm	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith (NH)
Chafee	Hatch	Smith (OR)
Cochran	Helms	Specter
Collins	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Edwards	McCain	Warner

The motion was agreed to.

Mr. DASCHLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, could I have the attention of our colleagues.

EXECUTIVE SESSION

NOMINATION OF JAMES W. ZIGLAR, OF MISSISSIPPI, TO BE COMMISSIONER OF IMMIGRATION AND NATURALIZATION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 286, the nomination of James Ziglar to be Commissioner of Immigration and Naturalization; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed 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?

Mr. LEAHY. Reserving the right to object, and I shall not, may I be recognized for 2 minutes as soon as the Senate has completed this action?

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

Without objection, the foregoing request is agreed to.

The clerk will report the nomination.

The legislative clerk read the nomination of James W. Ziglar, of Mississippi, to be Commissioner of Immigration and Naturalization.

The nomination was considered and confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I thank my colleagues.

We have all come to know and, I would say, have a great deal of affection for Jim Ziglar. He has been an extraordinary Sergeant at Arms. This

afternoon there is a reception. I hope our colleagues will wish Mr. Ziglar well.

I have come to admire his work and have said already on the floor how much I appreciate his commitment to the Senate, to this institution, to public service.

In an effort to accelerate his nomination and confirmation, we wanted to have the opportunity to take this matter up prior to the time his reception is held this afternoon.

I think on behalf of the entire Senate, we wish Jim Ziglar well in his new role and new responsibilities. I can think of no one who could serve more ably. I am grateful to my colleagues for the consideration and ultimately for the adoption of this confirmation.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for moving this nomination. I have been very proud of the job that Jim Ziglar from Pascagoula, MS, has done as the Senate Sergeant at Arms.

When he came, I asked him to make sure the office was run efficiently and fairly, certainly in a bipartisan way, a nonpartisan way. He certainly did that. Sometimes I think maybe he got a little carried away doing that. But he did a great job. I know he has friends on both sides of the aisle. When he came to me to talk about the possibility of becoming Commissioner of the Immigration and Naturalization Service, I questioned him about his desire to do that, but he assured me he was prepared for that challenge and that he wished to do so.

I am glad he has been confirmed. I hope my colleagues will join him at the reception this afternoon. Certainly we all wish him well in this very important job that is going to take a lot of administrative ability and a lot of willingness to make changes to make sure that agency is run more efficiently.

I also hope this is a sign that this is the first of many nominations that will follow very shortly that will move as quickly and easily as this one, that this is the opening in the floodgates.

I thank Senator DASCHLE for bringing up the nomination.

Mr. COCHRAN. Mr. President, I'm pleased the Senate has confirmed the nomination of Jim Zigler to the Commissioner of the Immigration and Naturalization Service. He is well suited for this job, and I am sure he will discharge the responsibilities he is undertaking with a high level of competence and dedication.

Jim once served on the staff of Senator James O. Eastland of Mississippi whom I succeeded when he retired from the Senate in 1978. One of Senator Eastland's interests and responsibilities when he was Chairman of the Judiciary Committee was the work of INS. I can recall his very close supervision of the work of his agency when I was a Member of the House.

I know Jim Eastland would be very proud indeed that his former protege, Jim Zigler, has been confirmed today as Commissioner. I'm proud of Jim, too, and wish for him much success and satisfaction in this important new job.

Mr. HATCH. Mr. President, I am pleased that we have the opportunity to consider today the confirmation of the Honorable James Ziglar for Commissioner of the Immigration and Naturalization Service. While there is little doubt that Mr. Ziglar faces tremendous challenges as commissioner of the INS, I also believe that there is little doubt that Mr. Ziglar has the ability to take on those challenges. I therefore join my colleagues in support of his confirmation and look forward to great things from Mr. Ziglar and the Immigration and Naturalization Service in the future.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am glad this has gone through as quickly as it has. After hearing the minority leader's comments, he is obviously not aware of how fast the Judiciary Committee is moving.

By the end of this week I hope that a few more nominations will reach the Senate floor from the Judiciary Committee. If they do, I will request a roll call vote on them in order to demonstrate to all the Members how quickly we are moving nominations. The Ziglar nomination received a hearing before the Judiciary Committee within two weeks of the time that the other side of the aisle allowed the Senate to reorganize. We also held hearings for ASA HUTCHINSON, the President's choice to head the Drug Enforcement Administration, along with four judicial nominees and two additional Justice Department nominees. This pace was probably the fastest the Judiciary Committee has moved on nominations in the last six years.

In addition, we completed confirmation hearings on Robert Mueller's nomination for FBI director this morning. I am pleased that we were able to begin his hearing within days of receiving the papers from the White House. If he is not blocked by the other side, we will bring him up Thursday before the Judiciary Committee.

I am particularly pleased that we were able to move quickly to consider James Ziglar's nomination. I think he is extraordinarily qualified to head the Immigration and Naturalization Service, and I applaud President Bush for choosing him. Mr. Ziglar will work with both Republicans and Democrats. He will not seek partisan advantage but will rather act in the Nation's best interest, just as he has as Sergeant at Arms here.

It was a very good move when Senator LOTT first appointed him to this position. I am very impressed with him. I am pleased to be his friend, and I am happy to vote for his nomination.

He has a distinguished background as a lawyer, investment banker, and government official. As Sergeant at Arms, he worked behind the scenes to ensure that the business of the Senate went smoothly even in stressful times such as the impeachment trial of President Clinton. We here all owe him a debt of gratitude for his hard and effective work.

These next few years will be a pivotal time for the INS and for immigration policy in the United States. The Administration has expressed interest in reorganizing the INS and having the new Commissioner implement the reorganization plan. The Administration is also apparently considering proposing numerous changes in immigration law as part of bilateral discussions with Mexico. I trust that Mr. Ziglar will play a role in the Administration's consideration of these matters, and will encourage a fair approach to the problems faced by undocumented workers from both Mexico and the rest of the world.

In addition to the new proposals the Administration is considering, there is significant unfinished business in the immigration area. The new Commissioner will inherit a number of questionable immigration policies that Congress enacted five years ago in the Illegal Immigration Reform and Immigrant Responsibility Act. There are also a number of unresolved issues from the last Congress that we must address in this one.

Mr. Ziglar promised at his confirmation hearing to be an advocate for the many fine men and women who work for the INS, and I was glad to hear him say that. I know that in my State there are many hardworking men and women who work for the Law Enforcement Support Center, the Vermont Service Center and Sub-Office, the Debt Management Center, the Eastern Regional Office, and the Swanton Border Patrol Sector. These are employees Mr. Ziglar can rely on in his attempt to improve the agency.

One of the bigger issues facing the next Commissioner will be restructuring the INS. I strongly support improving the agency and giving it the resources it needs. The tasks we ask the INS to do range from processing citizenship applications to protecting our borders, and I agree that there are some internal tensions in the INS' mission that might be resolved. I also believe, however, that we must ensure that the INS does not lose its strengths, which I think are well represented by the great efficiency of the INS offices in Vermont. I intend to play an active role in the development and consideration of any INS reorganization plan.

I am also heartened that Mr. Ziglar questioned our nation's use of expedited removal and detention at his confirmation hearing. Later this week I will join with Senator BROWNBACK and others to introduce the Refugee Protection Act, which would sharply limit the use of expedited removal and reduce the use of detention against asylum seekers. I think I can speak for Senator BROWNBACK in saying we look forward to working with Mr. Ziglar to move this legislation.

The use of expedited removal, the process under which aliens arriving in the United States can be returned immediately to their native lands at the say-so of a low-level INS officer, calls the United States' commitment to refugees into serious question. Since Congress adopted expedited removal in 1996, we have had a system where we are removing people who arrive here either without proper documentation or with facially valid documentation that an INS officer simply suspects is invalid. This policy ignores the fact that people fleeing despotic regimes are quite often unable to obtain travel documents before leaving—they must move quickly and cannot depend upon the government that is persecuting them to provide them with the proper paperwork for departure. In the limited time that expedited removal has been in operation, we already have received reliable reports that valid asylum seekers have been denied admission to our country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, as Archbishop Theodore McCarrick described in an op-ed in the July 22 Washington Post, a Kosovar Albanian was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America's newspapers. I believe we must address this issue in this Congress.

In addition to questioning expedited removal and detention, I hope that Mr. Ziglar will work with us to address some of the other serious due process concerns created by passage of the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act in 1996. Through those laws, Congress expanded the pool of people who could be deported, denied those people the chance for due process before deportation, and made these changes retroactive, so that legal permanent residents who had committed offenses so minor that they did not even serve jail time suddenly faced removal from the United States. The Supreme Court has recently limited some of the retroactive effects of those laws, in INS v. St. Cyr, but we must do more to bring these laws into line with our historic commitment to immigration. Many of us have attempted throughout the last five years to undo the legislation we passed in 1996—it remains a high priority and I hope we can find areas of agreement with Mr. Ziglar and the Administration.

Mr. Ziglar did not present himself at his confirmation hearing as an expert on immigration and immigration law—he said frankly that he has much to learn. He did offer his expertise in management and promised to work hard to solve some of the problems the INS has faced over recent years. We in Congress want to be partners in this effort, and I hope that the excellent working relationship we have had with Mr. Ziglar over the years will continue in his new capacity.

James Ziglar is the President's choice to be the Commissioner of the Immigration and Naturalization Service, and I am happy to vote for his nomination. He has a distinguished background as a lawyer, investment banker, and government official. Furthermore, he was a distinguished Sergeant at Arms of the Senate, serving the needs of every Senator in a time of great partisanship. He worked behind the scenes to ensure that the business of the Senate went smoothly even in stressful times such as the impeachment trial of President Clinton. We here all owe him a debt of gratitude for his hard and effective work.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I note that Jim Ziglar is on the floor. I want to be the first among all of our colleagues to congratulate him publicly.

(Applause, Senators rising.)

LEGISLATIVE SESSION

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001—Continued

Mr. HARKIN. Mr. President, we are still on the agriculture package. After having had this last vote, I think it is the wish of the Senate that we move ahead on this bill so we can go to conference.

Again, I remind Senators, as others have reminded them today, time is running short. We would like to finish this bill if at all possible today so that we can go to conference tomorrow, hopefully finish the conference tomorrow at some reasonable time, and come back with the conference report either late tomorrow or early on Thursday so we can finish the conference report and get it to the President before we leave at the end of the week.

It is going to be touch and go because the checks have to get out in September. We will not be here in August. We will be on recess in August.

We do have to complete our work on the bill and get it to the President. This Senator is convinced that if we get this bill done today, we could probably finish conference tomorrow. I don't anticipate a long conference with the House. We would have to work out some disagreements on spending levels. I believe that could be done fairly expeditiously.

If any Senators have further amendments they would like to add, I hope we can reach some agreement on time limits. I hope there is not going to be any effort to string out the bill or to delay it. We just can't afford to delay this bill. We have to get it done, and we have to get to conference. We have to get the conference report back and get it to the President.

I am not saying Senators should not offer amendments. I am just saying if they offer amendments, let's do so right now. Let's have some reasonable time agreements, and then let's finish the bill so we can get to conference tomorrow.

I hope we can move ahead expeditiously and finish this bill yet today.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1191

Mr. SPECTER. Mr. President, I call up amendment No. 1191.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Ms. LANDRIEU, proposes an amendment numbered 1191.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted and Proposed.'')

Mr. SPECTER. Mr. President, I am proposing this amendment on behalf of Senators LANDRIEU, COLLINS, SCHUMER, SNOWE, LEAHY, ALLEN, BIDEN, BOND, BREAUX, CARNAHAN, CARPER, CHAFEE, CLELAND, CLINTON, COCHRAN, DODD, EDWARDS, FRIST, GREGG, HELMS, HOLLINGS, JEFFORDS, KENNEDY, KERRY, LIEBERMAN, LINCOLN, MIKULSKI, MILLER, REED, ROCKEFELLER, SARBANES, SESSIONS, SHELBY, SMITH of New Hampshire, THOMPSON, THURMOND, TORRICELLI, and WARNER.

As the distinguished manager, the Senator from Iowa asked for a time agreement—if I might have the attention of the Senator from Iowa.

Mr. HARKIN. I am sorry.

Mr. SPECTER. I am surprised that the Senator from Iowa was not listening. We have a close partnership on the Subcommittee on Labor, Health and Human Services, and Education.

Mr. HARKIN. I am always delighted to respond to the Senator from Pennsylvania.

Mr. SPECTER. I was saying I would be glad to agree to a time limit.

Mr. HARKIN. I would, too. I hope we can enter into a reasonable time limit. I have to consult with my ranking member, Senator LUGAR, to see what might be a good time agreement. Does the Senator have anything in mind he wants to propose?

Mr. SPECTER. I would be agreeable to 4 hours equally divided.

Mr. HARKIN. I am hopeful we do not have to go that long, I say to my friend. I am hopeful we could have a shorter debate than that. That is a pretty long period of time.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. LOTT. Will the Senator from Pennsylvania yield?

Mr. SPECTER. I do.

Mr. LOTT. I have a couple of observations. Before we lock in any time agreement, we want to make sure we check with the leadership on both sides for when the next vote will occur. If we agreed to 4 hours, we are talking about a vote occurring at 20 minutes to 8 tonight, and I am not sure Senator DASCHLE or I want to do that. We need to do some checking.

In terms of the time, I do not know what the advocates or the opponents of this amendment want. I do think this is a very important issue. We need to make sure everybody has been contacted and sufficient time is available to the proponents and opponents because this could be—well, this is one of the two issues that will determine whether or not this legislation goes forward. The other one is the dollar amount.

We already have a problem with the fact that the Lugar amendment was not adopted, and that causes me a great deal of concern because I am worried now that this could lead to the necessity of having a conference and concern about when we get to conference and worried about the funds being available for the needs of agriculture in this country in August or in September.

We have a major problem on our hands, and now this dairy compact being offered on this bill significantly complicates it further. All I say to the Senator from Pennsylvania is that before he locks in the time we have a chance to check on both sides of the aisle with opponents and proponents—and they are on both sides of the aisle—for a reasonable amount of time and a time for a vote will be necessary.

Mr. DOMENICI. Will the Senator yield?

Mr. SPECTER. I do.

Mr. DOMENICI. Mr. President, I say to the distinguished Senator, the Senator from New Mexico objects to a time limit. I will be in the Chamber to object to a time limit an hour from now, 2 hours from now. I want the ag bill to pass, but I am not at all sure it is the right thing to put a dairy compact on at this late hour. This Senator needs to know a lot more about it. So my colleagues know, I do not agree with the one being discussed, and I will not agree to one when it is proposed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment is being offered in a very timely way. This is the first time on this bill that the amendment could be offered, so I do not think it is accurate to say it is being offered at a late hour. The issues involved with the dairy compact are well known. The matter has been debated extensively recently in the Senate Chamber. The Northeast Dairy Compact is due to expire on September 30. The pending legislation dealing with the farm issue makes it preeminently appropriate to offer this amendment.

The dairy compact, as envisioned in this bill, would reauthorize and extend the Northeast Interstate Dairy Compact which consists of Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and Massachusetts to include Pennsylvania, New York, Ohio, Delaware, New Jersey, and Maryland. It would authorize the Southern Dairy Compact for Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

It would authorize a specific Northwest Dairy Compact within 3 years for the States of California, Oregon, and Washington, and would authorize an Intermountain Dairy Compact within 3 years for the States of Colorado, Nevada, and Utah.

A dairy compact creates a regional commission of delegates from each of the participating States. Each State delegation would have three to five members, including at least one dairy producer and one consumer representative, all of whom would be appointed by the Governor of the State.

The commissioner would have the authority to regulate farm prices of class I fluid milk. It may establish price regulation by way of a formal rulemaking process. The commission would take formal testimony to assess the price necessary to yield a reasonable return to the dairy producer.

One of the principal concerns this Senator has is the wide fluctuation there has been in dairy pricing. The price has fluctuated from less than $10 a hundredweight to $17 a hundredweight. In my State of Pennsylvania, it is a constant source of concern really putting many small dairy farmers out of business.

The compact does not cost any money. There is no drain on the Treasury. It is friendly to the consumer and I think has a great deal to recommend it.

The commission takes into account the purchasing power of the public, and any fluid milk price change proposed by the commission is subject to a two-thirds approval vote by the participating State delegations. The compacts receive payments from processors purchasing class I milk and returns these funds to farmers based on their milk production.

It is very important to note that the compacts are self-financed and require no appropriation of tax revenues—State, local or Federal. Legal challenges to the current dairy compact have been decided in its favor. It is constitutional. The underpinning is article I, section 10. Twenty-five States, all of which are included in this legislation, have requested dairy compact authority from Congress, and there have been pre-compact activities in as many as 10 of the other States.

Compacts are needed because the current Federal milk marketing order pricing system does not fully account for regional differences in the cost of producing milk. The Federal order program relies on State regulation for an adjustment in fluid milk prices to account for regional differences. However, since milk now almost always crosses State lines to get to the markets, the courts have ruled that individual States do not have the authority to regulate milk prices under the interstate commerce clause.

Dairy compacts recognize the economic benefits that a viable dairy industry brings to a region, and dairy farms are an integral component to the region's economy. Dairy compacts ensure customers have a continuous adequate supply of quality milk at a stable price. This stability gives consumers money in the long run by protecting them from retailers that profit from volatile milk prices by fattening their profit margins when the price of milk rises and then keep their prices inflated long after wholesale prices have already fallen.

Dairy compacts' main benefit to consumers is ensuring a local supply of fresh milk and a stable price. Dairy compacts help maintain dairy farms which in turn preserve the environment and open space.

I realize there are substantial regional differences and there are people who have deep-seated opposition. I recently conducted a hearing for the Agriculture Subcommittee of the Appropriations Committee. I have served on

that subcommittee during my 20-year-plus tenure in the Senate. I convened that hearing in Pennsylvania and conducted it because of the concerns I had heard from so many dairy farmers in Pennsylvania and, for that matter, in other States whereas, I say, the prices fluctuated from less than $10 per hundredweight to more than $17 per hundredweight, which hardly gives a dairy farmer any stability as to what is happening.

At the same time the milk prices are falling precipitously, I know as a consumer that I am paying more for a half gallon of milk at the convenience store.

The issue of milk pricing is a very complex issue which goes all the way back to New Deal legislation in the 1930s. When I was admitted to the bar, one of my first jobs as a beginning lawyer with Barnes, Dechert, Price, Myers and Rhoads was to help represent national dairy products, such as Sealtest, before the milk control commission of Pennsylvania. The issue was having a minimum price, an adequate price, to assure the farmer that the price would be adequate to have a sufficient supply of wholesome, clean, safe milk. Milk is one of the most basic commodities in our society. We have seen Agricorps proliferate in America so that the local family farmer is in real jeopardy.

One of the cases I recall studying in law school was a case of Nebbia v. New York which established the authority to establish minimum prices. The constitutional scholar from my law school, Walton Hale Hamilton, made it a practice just for a brief moment of levity by going back to the sites where major constitutional cases had arisen. The case of Nebbia v. New York arose because Leo Nebbia, who ran a store, had sold a quart of milk and a loaf of bread for the price of a quart of milk. Walton Hale Hamilton went to Leo Nebbia's store and walked to the dairy case and picked out a quart of milk. As he was about to pay for it, he then asked Mr. Nebbia if he would throw in a loaf of bread. Professor Hamilton was promptly thrown out of the store, as the story goes.

But this compact, I believe, is very important. It was a very contentious issue when it was authorized for the Northeast region. I was disappointed personally that my State and other States were not included at that time, and the day of the dairy compact is going to come. I think today is a good day.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I have spoken to the two managers of the bill. There is an amendment that is of interest to Senator ALLARD that he wants to offer. Senator MILLER wants to be here to vote against the amendment. It is my understanding we will do this with a voice vote. I ask unanimous consent the Specter amendment be set aside, Senator ALLARD be recognized for up to 10 minutes following his offering of the amendment, followed by a voice vote on the matter.

Mr. WELLSTONE. Reserving the right to object, I don't want to take much time, but I wanted to have about 5 minutes in response to Senator SPECTER.

The PRESIDING OFFICER. This is not on the Senator SPECTER.

Mr. REID. We are going to Senator ALLARD and then back to Senator SPECTER.

Mr. WELLSTONE. I ask, after the Allard amendment is disposed of, we come back to the Specter amendment.

Ms. LANDRIEU. Reserving the right to object, it is my understanding we will move off of this amendment——

Mr. REID. For 10 minutes.

Ms. LANDRIEU. That Senator SPECTER and I offered, and I ask unanimous consent to speak after Senator WELLSTONE when we get back on that amendment.

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

Mr. REID. Senator SPECTER has 5 minutes. How long do you wish to speak?

Ms. LANDRIEU. Twenty minutes.

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

AMENDMENT NO. 1188

Mr. ALLARD. Mr. President, I call up my amendment numbered 1188.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1188.

Mr. ALLARD. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title VII, add the following:

SEC. 7___. INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.

(a) REMOVAL OF LIMITATION.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended by striking subsection (d) and inserting the following:

''(d) ACTIVITIES NOT SUBJECT TO PROHIBITION.—This section does not apply to the selling, buying, transporting, or delivery of animals in interstate or foreign commerce for any purpose or purposes, so long as those purposes do not include that of an animal fighting venture.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date that is 30 days after the date of enactment of this Act.

Mr. ALLARD. The amendment I am offering is a bill I have been working on for over 3 years in the Senate. It is commonly known as the cockfighting bill.

The bill amends the Animal Welfare Act to remove a loophole that permits interstate movement of live birds for the purpose of fighting to States in which animal fighting is lawful.

Currently, the Animal Welfare Act makes it unlawful for any person to knowingly sponsor or exhibit an animal in any animal fighting venture to which the animal was moved in interstate or foreign commerce.

Therefore, if an animal crosses State lines and then fights in a State where cockfighting is illegal, that is a crime.

The law further states,

the activities prohibited by such subsections shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.

This means that the law applies to all animals involved in all types of fighting—except for birds being transported for cockfighting purposes to a State where cockfighting is still legal. Because of this crafty loophole, law enforcement officers have a more difficult time prosecuting under their State cockfighting bans.

As introduced, this legislation will close the loophole on cockfighting, and prohibit interstate movement of birds for the purpose of fighting from States where cockfighting is illegal to States where cockfighting is legal.

Illegal cockfighting is rampant in this Nation. All over the country, birds are affixed with razors and knives, pumped full of steroids, stimulants, and blood clotting agents, and made to fight to the death—all for sport and money.

Not only are most of the fights themselves illegal—gambling, money laundering, assaults, and even murders are not uncommon activities that accompany cockfights.

I simply do not see any place for any of this in American society.

Having said that, I want to make it clear I am a strong proponent of smaller government and of States rights. I do not believe you will find a stronger supporter of States rights in the Senate today than myself. While I do not personally approve of cock fighting, my bill clearly protects the rights of States to make or keep cockfighting legal if they so choose. I would not have introduced this bill if it did not. Three States currently allow cockfighting, and under my bill these three States would still be allowed to have cockfighting.

This bill is much more than a humane issue. It is a serious law enforcement issue. I know so because my bill has received the endorsement of 70 law enforcement agencies from all over the Nation. In States such as Texas, Arkansas, California, Oregon, Pennsylvania, Ohio, Iowa, Mississippi, Georgia,

North Carolina, and many others, they recognize that this Federal loophole is undermining their ability to enforce their own State and county laws. Federal law is being thrown in the faces of citizens in 47 States and used as a shield for criminals to hide behind.

As a veterinarian and supporter of States rights, I believe it is time to bring parity to the laws governing animal fighting and give law enforcement greater leverage to enforce State laws. I appreciate Chairman HARKIN and Ranking Member LUGAR's assistance to my efforts.

Mr. BYRD. Mr. President, today, I thank the Senator from Colorado for proposing his amendment on the issue of cockfighting. He is a veterinarian and speaks with special credibility on the topic of the humane treatment of animals, given his academic training and professional experience in service to animals and their well-being. I understand that the distinguished Senator from Colorado has retained his veterinary credentials and license in Colorado, continuing to practice on occasion and giving periodic check-ups to some of the dogs who are the companions of U.S. Senators. I am also so pleased to note that one of our newest Senators, the distinguished junior Senator from Nevada, is a veterinarian. This may be the first time that two veterinarians have served in the Senate.

About 2 weeks ago, I took to the floor of the Senate and spoke about disturbing trends in our culture with respect to the inhumane treatment of animals. I decried wanton, barbaric acts of animal cruelty, spending some time recounting the awful circumstances of the small dog, a Bichon frise named Leo, who was yanked from a car after a minor traffic accident and thrown into oncoming highway traffic, in an act of terror directed at both the dog and his horrified and traumatized owner. The innocent creature met a brutal and painful death as a consequence of this hate-filled act. In this case, I am happy to report that some measure of justice prevailed in the end. The man who perpetrated this appalling and indefensible act of animal cruelty was apprehended, tried before a California court, convicted of animal cruelty, and sentenced to the maximum penalty allowed under California's anti-cruelty code—3 years in prison. It is interesting to note that this same man was convicted earlier this week of stealing a vehicle—indicating once again to me that there is a link between acts of animal cruelty and other types of criminal conduct.

Two weeks ago, I also spoke about the transformation in American agriculture. In all too many cases, we have moved away from small farms, where animals are treated with dignity and respect, to large corporate farms where animals are treated as nothing more than unfeeling commodities. Pregnant pigs confined in two-foot-wide gestation crates for years at a time; egg-laying hens crammed into battery cages and also deliberately starved in order to induce a molt so that they will produce bigger eggs; young male calves jammed into two-foot-wide crates to produce veal, which is tender because the animals are so completely immobilized in the crate that they cannot move and, as a consequence, their muscles don't develop. I also spoke of the abuse of cattle and pigs in slaughter lines, in which animals are disassembled before they are killed.

I don't think that there is a person among us who can countenance these acts of cruelty—whether they are random acts of violence against animals or institutionalized agriculture practices.

It is one thing to determine as a culture that it is acceptable to raise and rear and then eat animals. It is another thing to cause them to lead a miserable life of torment, and then to slaughter them in a crude and callous manner. As a civilized society, we owe it to animals to treat them with compassion and humaneness. Animals suffer and they feel. Because we are moral agents, and compassionate people, we must do better.

In our society, there are surely some activities or circumstances which cause us to weigh or balance human and animal interests. In terms of food production, most people choose to eat meat but insist that the animals are humanely treated. That is a choice we make in our culture, and it is grounded on the notion that we must eat in order to survive.

Breeding animals just for the pleasure of watching them kill one another cannot be justified in a society that accepts the principle that animal cruelty is wrong. It brings to mind the days of the Colosseum, where the Romans fought people against animals or animal against animal in gladiatorial spectacles, and the people in attendance reveled in the orgy of bloodletting. Yet, even then, in an age known for its callous disregard for animals, there were pangs of remorse and even revulsion. The great orator Cicero, after a day at the Colosseum during which gladiators spilled the blood and eventually killed more than a dozen elephants, recalled that the crowd was moved to tears by the sheer cruelty exhibited.

In the same way, our country is turning against spectacles involving the injuring and killing of animals for the amusement of spectators. Placing dogs in a pit, instigating them, and watching them fight to injury or death for our amusement is wrong. If dogfighting is wrong, then surely cockfighting is wrong, too.

These hapless birds are bred to be aggressive, pumped full of stimulants, equipped with razor-sharp knives or ice-pick-like spurs on their legs, and placed in an enclosed pit, which bars their retreat or escape. They fight to the death, hacking one another to death—with punctured lungs, gouged eyes, and pierced eyes the inevitable consequence of the combat.

Mr. President, today, I speak in support of the amendment from the Senator from Colorado, a veterinarian and a humane-minded person.

Pitting animals against one another and causing them to fight just so that we can witness the bloodletting presents a clear moral choice for us. There can be no confusion on this issue. As decent people, we must act to stop it.

The law must bar this activity, and impose penalties upon those who would flout this humane standard. I thank the Senator from Colorado and offer my support of his amendment. I yield the floor.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 1188.

The amendment (No. 1188) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Will the RECORD reflect in that voice vote the Senator from Georgia, Mr. MILLER, voted no?

The PRESIDING OFFICER. Without objection, it is duly noted.

The Senator from Colorado.

Mr. ALLARD. Mr. President, with the passage of this amendment I thank the Members of the Senate. We have strong sponsorship on the bill as it goes to conference committee. I hope the conferees, when they deliberate this bill in conference committee, will keep in mind the strong support we have had in the Senate.

I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

AMENDMENT NO. 1191

Mr. WELLSTONE. Mr. President, I ask the Chair whether there are any time constraints at all.

The PRESIDING OFFICER. It is the understanding of the Chair that the Senator would be allocated 5 minutes at this time.

Mr. WELLSTONE. Mr. President, I do not remember asking for only 5 minutes. I do not intend to speak for very long but if that is the agreement at the moment—5 minutes?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. Before I proceed further, I ask whether or not each Senator who is speaking this afternoon is limited to 5 minutes. Is that it?

The PRESIDING OFFICER. The only sequence at this point was the Senator from Minnesota had 5 minutes and the

Senator from Louisiana asked for 20 minutes.

Mr. WELLSTONE. Mr. President, I do not remember asking for only 5 minutes. Could somebody check on exactly where this came from?

Let me ask unanimous consent I be allowed to speak for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Reserving the right to object, could I add, when the Senator from Minnesota has finished, following the remarks of the Senator from Louisiana, Ms. LANDRIEU, I be recognized to speak for 5 minutes?

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

Mr. WELLSTONE. Mr. President, I do not know if I will need to take 15 minutes. There will be plenty of time for debate. I may be back to the floor again.

Let me, first of all, put my comments in some kind of context. These are hard times for a lot of dairy farmers, and I understand that full well. I am not terribly sure the idea of a compact or the idea of balkanizing dairy farmers around the country with different compacts is the answer. In fact, I do not think it is the answer at all. As we write a new farm bill, I wish the focus would be for our farmers, corn growers and wheat growers and other crop farmers and livestock producers and dairy farmers. I think the focus should be on a way for our independent producers to be able to get a decent price in the marketplace. That is what I think this should be about.

In Minnesota, just to give Senators some reason as to why I come to the floor with a lot of determination and oppose the Specter amendment—I do not mean that in a disrespectful way. I mean the amendment proposed by my colleague from Pennsylvania, Senator SPECTER—the dairy industry is a big part of our State's economy. We have 8,000 dairy farmers in Minnesota. We rank fifth in the Nation's milk production. The milk production from Minnesota farms generates more than $1.2 billion for our State's farmers each year. Frankly, it adds an additional $1.2 billion by way of a multiplier effect to Minnesota's overall economy.

I am not talking about big giants. The average herd size in Minnesota is 60 cows per farm. We are talking about family operations. We are talking about family businesses with total sales of $1.2 billion. But between 1993 and the year 2000, we lost about 5,000 dairy farms. That represents a loss of over one-third of our total dairy farms. That is second only to the State of Wisconsin, among the 50 States in our country.

If you look at the upper Midwest States, including Minnesota and Wisconsin, Iowa, Illinois, Nebraska, North Dakota, and South Dakota, our region lost 49 percent of all the dairy farmers between 1992 and 1998. These are not just statistics; these are people's lives.

I hope, as I said earlier, we will actually write a new farm bill which will give dairy farmers in all regions of the country, especially the family operations, a decent price. I am not talking about these big conglomerates. I am talking about farms where the people who work the land are the people who make the decisions, and they live there. There is no reason in the world why we cannot have a family-farm-based dairy system, a dairy system which promotes economic vitality in our rural areas.

I have said it many times. The health and vitality of rural America, which is a part of America and a part of Minnesota that I love, is not going to be based on the amount of land owned. Somebody is always going to own the land. Someone will own the animals. But the health and vitality of the communities is not based upon the amount of land that is owned by someone or the number of animals. It is the number of family farmers who live there, dairy farmers included, who live in the community, who buy in the community, who support schools in the community; that is what is of key importance.

As if dairy farmers were not struggling with enough already in the Midwest, in 1996 Congress assisted and in some ways has made the price for many dairy farmers much worse. That is what has happened in the Midwest.

Again, I did not support the Freedom to Farm bill. I have always called it the ''freedom to fail'' bill. But the whole idea was you were going to decouple farmers—you were going to decouple the payments to family farmers from the Government. Of course, that is not what has happened. But this compact fixes fluid milk prices at artificially high levels for the benefit of dairy producers in one region. Now, there may be other regions, according to this amendment. This is a different set of rules.

There was a study at the University of Missouri. A dairy economist, Ken Bailey, found that Minnesota's farm level milk price would drop at least 21 cents per hundredweight if the Southeast Dairy Compact were allowed to be expanded, to attach to an expanded Northeast Dairy Compact.

That is a $27.2 million annual reduction of Minnesota farm milk sales.

Some of my colleagues say: Why doesn't the upper Midwest form its own compact? Minnesota and Wisconsin farmers would benefit from organizing their own compact. A compact price boosts supplies only to fluid milk. The percentage of upper Midwest milk sales going to fluid products is so low that any compact would do little for Minnesota's farm income.

What happens is a negative—the surplus of that milk gets dumped in our State and competes with our cheese and butter market.

We are talking about trade barriers in our country. We are talking about a compact that is not good for consumers. Quite frankly, I don't know whether or not there is a way to keep dairy farmers in business in any part of the country. We transferred millions of dollars from millions of consumers to New England dairy farmers, but the dairy farmers continue to go out of business at an equal or even faster rate than prior to the compact. The Northeast Dairy Compact has not slowed the loss of dairy farmers. There are less New England dairy farmers. Four-hundred and sixty-five have left business in the 3 years since the compact than before the compact. It was 444 before.

I could go on and on, but I think expanding the dairy compact sets a terrible precedent. We can start doing this for other American agricultural products as well.

The question is, Where do we go with all of this? The current dairy policy in this country is putting dairy farmers in Minnesota at great risk—not just in Minnesota but across the country.

I think what we should do is establish a national equitable dairy system for all. I don't know why in the world Senators from different States with dairy farmers and with family-run operations cannot work together to make sure we have a safety net and a decent price and some kind of income for dairy farmers that would help people especially during the time of low prices. Also, I think we could end a half century of discrimination against the Midwest as well.

We will have the vote on this. I assume Senator KOHL will move to table this amendment. I know we will be joined by Senator FEINGOLD, Senator DAYTON, and myself. This is what is so unfortunate about where we are right now.

First of all, the compact is quite inconsistent with what many Senators believe in terms of what we should be doing. I heard my colleague from Wisconsin refer to it as a ''cartel.'' That is strong language. But there are an awful lot of Senators in the Senate who do not believe in fixing prices this way. That is point one.

The second point is a different point. There are a lot of Senators who support this whom I like as friends; good people. But why in the world are we now basically balkanizing all of the dairy farmers and Senators who are supposed to be supporting dairy farmers, cutting deals, and basically saying, OK, Northeast, now we will add the Southeast? Now we will go to the Northwest—keep cutting deals trying to bring people in, further balkanizing and forgetting that we are really in the same boat together.

Yes, I come to the floor to fight for the upper Midwest. I come to the floor

to fight for dairy farmers in Minnesota. But, for God's sake, I don't understand why some Senators want to go in the direction of administering prices, cutting deals, balkanizing dairy farmers, balkanizing agriculture, balkanizing Senators, and balkanizing the country.

This isn't a step in the right direction. It is a great leap backwards.

I am speaking as a Senator from Minnesota. Yes, I am speaking for dairy farmers in Minnesota. Yes, I am doing everything I can to fight for dairy farmers in Minnesota just as other Senators would do when it comes to representing people you love.

I don't even think what is being proposed is good for the country at all. This makes no sense. I hope Senators—consistent with what they have always said they believe in, consistent with promises that have been made to Senator KOHL and others, consistent with the idea of how we can work together rather than basically being pitted against one another—will vote to table this amendment.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Louisiana has 20 minutes.

Ms. LANDRIEU. Thank you, Mr. President.

I rise to support the amendment offered by Senator SPECTER from Pennsylvania and myself along with 39 cosponsors—actually Democrats and Republicans from many different parts of the States—who see this as an excellent way to help dairy farmers, to help consumers, to be fair to retailers, and to make sure children and families and people in every region of the United States have access to fresh milk at a reasonable price.

In addition—as the Senator from New Jersey will speak after me—there are compelling environmental reasons in terms of preservation of land and green space and open space that are at issue as well.

Let me address some of the concerns that the Senator from Minnesota raised. Let me begin by saying that if, in fact—I am certain it is true because he brings a lot of wisdom and experience to many of these debates—it is true that many of the dairy farmers in Minnesota have gone out of business, or in his area, he may well want to look into the benefits of this compact. If this compact doesn't work because of the difference in the grades of milk, perhaps a similar kind of compact for his dairy farmers might be helpful. In the area of the Northeast where this compact has now been in existence for several years, benefits are obvious. They are clear. They have worked to preserve farmers in business to hold down prices to a fair level but providing profit margins for the farmers.

There has been some real success. As many times as we deal with many issues on a variety of subjects, sometimes we don't create a national program all at one time. I am fairly familiar with the details of how this started. But it is often that we will start a pilot program, if you will, in one part of the Nation to test and see if it works. I know that was not exactly the way this started, but the end result is that we have compacts in the Northeast which have worked very well. This is an effort to expand it to the southern region, to the Pacific region, to the Midwest region—all voluntary. It is totally up to the States if they, in fact, want to join. No one is forced to join this compact. It is the States themselves.

In the last year, I have been made aware—not 2, not 10, not just a few in one region but 25 States in the Nation—that State legislators and their Governors have petitioned for Congress to allow them to basically use this self-help mechanism.

The second point I will make before I get into my prepared remarks is, it is a wonder we have not adopted it sooner. The Senators from Vermont—Senator JEFFORDS and Senator LEAHY—are effective spokespersons. The fact is the dairy compact doesn't cost the taxpayers any direct subsidy. We spend hours on this floor passing many farm bills, which I have supported because agriculture is important in Louisiana. It costs billions of dollars. We ask taxpayers every year to put up money out of their hard-earned tax dollars to support a very complex system of subsidies for farmers. Louisiana farmers benefit in many ways. But this doesn't cost the taxpayers a penny.

So you would think there would be 100 Senators rushing to this Chamber to vote for something that is really all American. It is about self-help. It is about risk management. It is about people coming together in voluntary compacts with all of the parties equally represented—no one is shut out—in public meetings to set a price that works for everyone. I think it has a lot of merit.

State officials and dairy producers across the country are concerned that the current Federal milk marketing order pricing system does not fully account for regional differences in the cost of producing milk. The U.S. dairy industry is transporting ever-increasing amounts of milk over increasing numbers of miles to supply the fluid market. This is especially true in the South. That is why I am so interested in this issue, as is the senior Senator from Louisiana, Mr. BREAUX, who joins me in this effort.

In the South, all the dairy-producing States are milk deficient. We are milk deficient. We need to be able to produce more milk to supply our own customers in the South. We can only do that if our dairy farmers stay in business. If not, we will be importing milk from outside of our region.

It is the sense of this Congress that milk be produced in the region so it can be fresh because it is quite perishable. It can be produced and transported easily in the region. It is perishable, so it is expensive to ship and refrigerate.

In the past 10 years, nearly a quarter of the dairy farmers in my State have gone out of business. Many more are in danger of shutting down. This compact is their way to come to us to say: We found a way out. We don't need a direct subsidy. Just allow us this compact, and we can do it.

So compacts are a solution. As a result, as I mentioned earlier, 25 States have now passed legislation—almost a majority in the country—for this particular approach.

Let me take a moment to explain how the compact works. Compacts are formal agreements between three or more contiguous States to determine a price for fluid milk sold in that region. This price is determined by a regional commission of delegates from each of the States appointed by the Governor. It has to include at least one dairy producer and one consumer representative.

So let me just make one point. Critics have said: This is a cartel and we do not want cartels.

A cartel is dangerous because usually people who get into a cartel are people of all one perspective, people producing an item, and they want to run up the price. But on these commissions—which are not cartels because they are not created the same way as you would think of a regular cartel—the people who drink the milk, the people who sell the milk, and the people who produce the milk are all in a room together, not in a back room smoking a cigar but out in a public meeting, with a public record, discussing a price that works for them all. That is not a cartel. That is the opposite of a cartel. That is kind of a committee—an arrangements committee; the American way, a Democratic process—to come to a win-win solution. So I reject the idea that this is a back room cartel. It is exactly the opposite.

The commission holds public hearings to assess the price necessary to yield a reasonable return to the farmer. Any proposed price change is subject to approval by two-thirds of the State delegations. Any State may leave the compact without penalty. So this is quite a voluntary measure, not a mandatory measure.

Payments are made by the commission and are countercyclical, meaning when the Federal milk marketing order prices are above the compact commission order price, farmers don't receive compact payments; when the Federal milk marketing order price falls below that of the compact commission, farmers receive compact payments.

I show my colleagues a chart. It is the best chart I have seen to explain

this situation. I thank the Senator from New Jersey for helping me display this chart. I appreciate his help.

As you can see from the chart, the compact helps to try to stabilize prices. Shown on this chart is the price of milk as it moves up and down. Shown is the set price. The compact operates so that when the Federal milk marketing order price falls below that of the compact commission, the compact actually pays the difference to the farmers. When it goes above, the farmer pays into the compact.

Again, it is no cost to the taxpayer. It is a way to stabilize the price. Farmers need certainty, just as any businessperson. Sometimes people can live with low prices. Sometimes they can live with low prices if they are certain of the price. It is the uncertainty in any business market—whether you are talking about farming or health care or transportation or high-tech businesses—that causes people to have great difficulty.

So the compact is a real answer to that. Again, it is sort of a novel approach, and one that has been tried. It is not any longer experimental. We can actually see that it is working.

I also want to just run through a few of the facts and the fictions about dairy compacts.

I mentioned this, but it is worth repeating: The critics say dairy compacts cost taxpayers money.

Dairy compacts are self-financing. There is no impact on State or Federal treasuries. Let me repeat: No impact on State and Federal treasuries.

Critics say the dairy compacts are not constitutional.

I do not have my copy of the Constitution with me, as the Senator from West Virginia usually carries with him, but I can tell you, if you flip to article I, section 10, clause 3, of the Constitution, it clearly allows for interstate compacts, provided they are approved by State legislatures and ratified by Congress.

So our action by law, ratifying a compact, and then having States voluntarily entering into it, is absolutely within the framework of the Constitution.

Third, our critics will say that dairy compacts create overproduction.

Let me show you the next chart. The Northeast Compact has a very effective supply management measure which would be included for all of the regions. It provides an incentive for farmers to limit production. It works like this: It takes 7.5 cents for every 100 pounds of milk produced and places it in a reserve, which is distributed to the producers who did not increase production by more than 1 percent from the previous year.

Louisiana, and all other potential Southern dairy compact States, are net importers of fluid milk, so overproduction is not in the foreseeable future. So overproduction is just not foreseeable.

However, in the 4 years since the compact was created, milk production in New England has increased by only 2.2 percent, while the increase in the rest of the country was 7.4 percent. So based on that information alone, you can argue that the efficiency mechanism to hold down production is actually working. Why? Not because the Senator from Louisiana says it is working or the Senator from Vermont, but because the statistics show that it is working because the production has been held to a reasonable level.

While the U.S. average is 7.4 percent, the production in New England has been held to a low, you could say, of 2.2 percent—but also meeting the other laudable goals. So this is a very important fact to note.

No. 4, the critics will say that a dairy compact is a trade barrier ''balkanizing'' the dairy market. Let me please reiterate that dairy compacts regulate all fluid milk sales in the compact region, regardless of where the milk is produced.

So if a farmer in another region had a relatively low price, and thought the compact price was higher, that farmer is not at all prohibited, in our legislation, from selling their milk into this market. So it is not a barrier. It encourages free trade, fair trade, among the regions.

Fifth, our critics say dairy compacts will raise retail milk prices. Let me concede this point. It does raise milk prices slightly. The Agriculture Department's Economic Research Service has done a study on this, and the facts are in. It does raise prices to consumers slightly. That price is $1.06 per person—$5 a year for a family of four.

I can honestly say I do not know of a family in America that would not be willing to pay $5 a year so they can have available to them a supply of regionally produced milk that is fresh and healthy, and knowing that they are doing something to help their farmers that is fair to their retailers and does not in any way hurt low-income consumers. Let me repeat, there is not a family in America, I don't believe, who would not be willing to pay $5 a year for the benefits this compact provides.

Six, the fiction that the dairy compact will hurt low-income consumers. One of the programs I have supported, as have many of the Senators, is WIC, the Women, Infants and Children's program, a Federal program that is very successful and that supplies milk to low-income moms and their infants in the School Lunch Program. People representing WIC and consumers representing the school lunch program are on these compacts within the region. Their voices are heard and well represented.

Finally, as I conclude—the Senator from New Jersey will speak more eloquently and in greater length and detail about this particular issue—this is also an environmental issue. As our dairy farmers basically serve now as rings of green around many of our urban areas, this is true in Louisiana, but it is particularly true in States such as New Jersey or New York, and what farms are left in places such as Florida and in California. If we can do something to help the dairy farmers stay in business, we keep this land green; we keep it open; we keep the possibility for the proper kind of development in the future. If we don't step in and help our dairy farmers, we will not only lose dairy farmers potentially over the long run, driving up the price of milk, being unfair when there is a fairness to be reached here, but we will see some of these farms plowed under in additional development.

Let's do the right thing by instituting voluntary compacts that will help not only the States in the South but also in places around the country. There is a tremendous amount of support.

I believe I have exhausted the time I have. There are many more Senators who want to speak. I yield for a question to the Senator from Vermont.

Mr. LEAHY. If the Senator will yield without losing the right to the floor, I ask first, how much time does the Senator have?

The PRESIDING OFFICER. Three minutes.

Ms. LANDRIEU. I am happy to yield without losing the floor.

Mr. LEAHY. I think the Senator from Louisiana would agree with me that one of the problems we have is the huge growth of one major processor. We are talking about a situation where we have a program that should be embraced by everybody. The cost to the taxpayers is absolutely nothing, I believe the Senator from Louisiana will agree. The cost to the taxpayers is absolutely nothing.

We are being asked to take huge amounts of tax dollars from various parts of the country, a lot of it from the eastern seaboard, to pay for programs in the Midwest. This is a program that costs taxpayers absolutely nothing. You might wonder why the big processors have spent millions of dollars to try to beat it through lobbying and every other possible effort. One of the reasons is, we see in our part of the world in New England, Suiza Foods is trying to get a stranglehold on prices.

When Suiza started in Puerto Rico, it was down here with three plants. That is the way it started. But then Suiza started moving, and in the year 2000, look at the area they cover with their plants. Now they want to combine with Dean Foods. Here is a company that, if they could get rid of all competition, if they could control the price the dairy farmers get, if they could tell the consumers, you are going to pay this much

and, by the way, dairy farmers, because we are the only game in town, we are only going to give you this much, that is competition? They call us a cartel.

What we are saying is, let the consumers and the producers within the region decide what they are willing to pay. It has worked out well for us. We pay less, for example, in New England, where we have the compact. We pay less than they do in Minnesota and Wisconsin, if you go to the grocery store for the milk.

Where is the pressure coming from and why do they want to get rid of this compact? Why do they want to get rid of the dairy farmers having any say over it? So that Suiza and Dean Foods, which are becoming a monopoly and want to control all of it—it is actually a ''Suizopoly,'' I would call it, at this point—can say just how much can be spent, where it can go. In fact, when we checked into this, we found that 90 percent of the cost increase goes to them.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. LANDRIEU. Mr. President, I still have the floor.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 1 additional minute so I may finish. Senator LEAHY was asking me a question. Could I have 30 seconds?

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. I object.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the Senator from New Jersey is now recognized.

Mr. TORRICELLI. Mr. President, for purposes of a unanimous consent request only, I yield to the Senator from Pennsylvania.

AMENDMENT NO. 1191, WITHDRAWN

Mr. SPECTER. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. SPECTER. Mr. President, just by brief explanation, there is not going to be time to debate this amendment adequately this evening. We are calculating a vote count, and I want to give my colleagues notice that this amendment may well be introduced tomorrow. I do have the absolute right to withdraw it, as the Chair has recognized, and therefore the amendment is withdrawn.

The PRESIDING OFFICER. The Senator from New Jersey is recognized under the previous order.

Mr. TORRICELLI. Mr. President, for purposes of a unanimous consent request only, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank the Senator from New Jersey.

Mr. President, I ask unanimous consent to be given 5 minutes after the Senator from New Jersey.

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

Mr. TORRICELLI. Mr. President, I yield 1 minute to the Senator from Louisiana so she may conclude her remarks.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from New Jersey. I so appreciate the comments of Senator LEAHY from Vermont, who has been one of the great leaders and spokespersons on this issue. I wanted 30 seconds to wrap up to say how important this issue is for farmers not only in the southern part of the Nation. Of course, Louisiana is the State I represent. I have heard loudly and clearly from our farmers about how important this is.

Frankly, Mr. President, this is an issue of fairness for the whole Nation. We are not attempting to be unfair to any particular area. This is about competition. It is about free and fair trade. It is about self-help, managing risk, and about an idea that a compact can be beneficial to all parties involved.

The Northeast Dairy Compact, enacted in 1996, and due to expire this year, has proven extremely successful in balancing the interests of consumers, dairy farmers, processors, and retailers, by maintaining milk price stability, and doing so at no cost to taxpayers.

We have an opportunity to assure consumers in other states an adequate, affordable milk supply while maintaining positive balance sheets for our farms, whose social and economic contributions remain so critical to the vitality of our country's rural communities. It is long past the time for us to permit states the opportunity to provide their farmers the stability they so desperately need.

I thank the Senator from New Jersey for allowing me to finish my remarks.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, the Senator from Pennsylvania has withdrawn his amendment for the moment. But the Senate should be under no illusions. The amendment will return, and this fight will go on. It will go on tonight. It will go on tomorrow. It will go on next week. It will go on.

There are States in this Union that have asked, to protect their own interests, to be able to be in dairy compacts—States in the South, States in New England, and States in the Northeast.

As sovereign members of the United States of America, the legislatures in our States have voted to join these compacts. It is a right that no one should deny us. We have a right to it; we have a need for it; and we are going to insist on it.

This can be an important day in agricultural policy in the history of this country. For a long time, States such as my own, because we care about the Union and we care about farmers across America, have remained silent. I have voted for wheat programs and corn programs and peanut programs and cotton programs. I have voted for crops I have never heard of.

I do it because it is in the national interest. It is usually not in the interest of the State of New Jersey. This is in our interest, a $17 billion agricultural appropriations bill. If one takes the entire Northeastern part of the United States, the most densely populated part of the country which pays the highest taxes in America, we have $200 million worth of appropriations of $17 billion. Enough. Enough.

Every time there is an emergency, every time there is an agricultural disaster, every time some farmer has a problem, the Senators from Maryland, New Jersey, Pennsylvania, New York, Vermont, and Maine come to this floor to do our duty because we want to support the country.

Now we want support. Our dairy farmers are not in trouble. They are out of business. We ask for no money. We want a compact.

This compact will not cost the American taxpayers a dollar, not a dime. It supports prices, because without those price supports we cannot remain in the dairy business. The price of land in New Jersey where dairy farmers operate is $10,000 an acre, $25,000 an acre. The taxes dairy farmers pay could be $100,000. Their labor costs are high. Their energy costs are high.

What is it we are to do, have no farmers left in New England, none in the mid-Atlantic, close down agriculture in the South? That is what this is about. What is it we ask that is so unreasonable? We are not asking for any money. We take nothing away from any other State. We only ask the actions of our own legislature be recognized.

America is changing. From Washington, D.C., to Boston, MA, the Nation is becoming one massive suburb. Shopping centers follow shopping centers, malls follow malls, highways upon highways. We do not fight for agricultural prices. This amendment is not just about how much a dairy farmer earns; it is about not losing the last of our agricultural land. It is about the great environmental issue of this decade, stopping the destruction of open space.

Since 1961, New Jersey, which had 128,000 dairy cows, is down to 20,000 cows, a loss of 108,000 producing dairy cows. Since 1950, when the State of New Jersey had 26,900 farms with 1,200,000 acres, we have lost a quarter of the acreage and have but a little more than 9,000 farms left from 26,900.

It is about saving land. It is about a way of life. It is about a local culture. A quality of life depends upon more than suburban row house upon suburban row house. It is a chance to drive with one's child through some open space. A healthy life and a good community is about not having to buy milk that comes in on a railroad car from halfway across the country but a local farm, with a fresh product, whether it is tomatoes or corn or fresh milk.

For 200 years, from Maryland to Maine, people who have lived in the Northeast and New England have enjoyed that quality of life. It is being lost, and that is what this is about.

Two years ago, I came to the Chamber to wage the same fight. Since I spoke 24 months ago for this same amendment, when we lost, the number of dairy farms in New Jersey has declined from 168 to 138, another 17 percent loss.

In the last decade, we have lost 42 percent of our remaining dairy farms. I was here 2 years ago. I am speaking about it again tonight. If necessary, I will speak about it 2 years from now. It is clear to me, if we fail tonight, there will be no one left to defend. This is our last stand.

I hand it to my colleagues in the Midwest. Win this fight one more time and we may never have to raise it again. There will be no dairy farmers left in my State. Give it another 10 years, there will be none left in New York. Give it 20 years, there will be none left in Vermont.

It will be a success. Congratulations; some working class people, who have lived on the land for 200, 300 years, produced fresh produce for their neighbors, were put out of business. They were not put out of business to save the Federal Government money, because the amendment costs no money, but just to deny our own State the right to set a price so a farmer can get a decent return on his money.

What is the real price? It is the 138 dairy farmers who remain. It is the loss of a quality of life from the fresh produce for local people and fresh milk. It also means this: Next year, like this year, another 10,000 acres of New Jersey will be plowed under to suburban development. We have lost 600,000 such acres in recent decades.

For almost 2 years, this has accelerated because the USDA has repeatedly announced plummeting milk prices that have directly lowered the ability of dairy farmers to earn a living. Prices have dropped as much as 40 percent in a month, and middle class farmers with high costs have had to absorb this cost.

The result is known. I have already told it. They go out of business. There is no other answer but to allow this compact to go ahead.

I cannot say it might not cost consumers some money. One estimate is it could cost 4 cents, though, indeed, in New England, after they joined, their prices actually declined. It may be 4 cents more; it may be 4 cents less if the State is in the compact, but it does provide price stability.

I do not know a person in New Jersey, if it did cost 4 cents, who would not pay it to know that the last of our agricultural land is not going to be lost. It would be a fair bargain for consumers and for our quality of life.

There are those who will argue maybe it does not cost consumers more money, maybe it saves the land, but it does cost Federal benefit programs money, programs such as WIC for children, for families, or school milk programs. The compact, by law, is required to reimburse Federal nutrition programs such as WIC and school lunch programs that use 68 million pounds of milk per year, many in my State, to ensure they do not have higher costs. They are protected under these provisions.

Nothing I am suggesting to the Senate is theoretical in its benefit. The compact is not new. New England has had a compact. It worked. It stabilized retail milk prices and provided a safety net for producers. Indeed, New England retail milk prices were 5 cents per gallon lower on average than retail milk prices nationally following the Northeast Dairy Compact initiation. It did not cost consumers money. It saved consumers money, while costing the Federal Government nothing.

On September 30, the compact for New England expires. The consequences are enormous, and it will help my colleagues to understand why we come to the Senate across the South, across the mid-Atlantic, across New England, to insist on its reauthorization, because the price is so high and the consequences so devastating that no matter what it takes, we cannot allow this legislation to go forward without Senator SPECTER's amendment.

Mr. SCHUMER. Will the Senator yield?

Mr. TORRICELLI. I will be happy to yield to the Senator from New York.

Mr. SCHUMER. I thank the Senator for his excellent remarks. I wish to say, before I ask him a question, I join with him. This is of vital importance to the close to 8,000 dairy farmers in New York in countless communities.

I say to the good Senator from Indiana—and I respect his view—his corn farmers and his soybean farmers get plenty of subsidy. We are never going to get a dairy subsidy to that extent. So if we do not get this compact, I ask my colleague from New Jersey, is it his opinion that the dairy farms in the Northeast will eventually just die and we will have no dairy industry whatsoever?

Mr. TORRICELLI. I respond to the Senator from New York, as I indicated perhaps before he entered the Chamber, 40 percent of the dairy farms in New Jersey in the last 10 years have been lost. I am not certain any will survive the next 10 years if there is not a dairy compact.

The situation in my State is somewhat more acute than New York, but certainly the pattern of the rate of decline is the same.

Mr. SCHUMER. If the Senator will yield, we have lost half of our dairy farms in the last 10 to 15 years, and if one talks to dairy farmers, one will find they are all in such desperate shape that they will go under as well.

I say to my friend, the Senator from New Jersey, it is an anomaly: We have all sorts of price supports, taxpayers' money for so many of the row crops that dominate the Middle West, that are prevalent in the South and other parts of the country. I do not know why dairy was left out of that, but it was.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. SCHUMER. I ask unanimous consent he be given 2 additional minutes so he can answer my question.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, I object. I will agree if I and Senator KOHL can have 5 minutes by unanimous consent.

The PRESIDING OFFICER. Will the Senator so modify his request?

Mr. SCHUMER. I modify my request that the Senator from New Jersey be given 2 minutes, and I believe Senator KOHL is to be given an additional 5 minutes, because I think he has 5 right now.

Mr. DAYTON. Right.

Mr. SCHUMER. I so ask unanimous consent.

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

Mr. SCHUMER. I thank my colleagues from Minnesota and Wisconsin.

The bottom line is very simple, and that is that we will never get under this situation, or any other, the dollars we need, and so the choice is the dairy compact or the death of dairy farms in the Northeast. Does the Senator disagree with that analysis?

Mr. TORRICELLI. It is the loss of dairy farms, and we are not doing in our region what other States did and by right we are entitled to do. When their farms and products were in trouble, they asked for Federal appropriations. We asked for no appropriation. We asked for the right for a fair price for our dairy farmers.

When I began my remarks, I quoted the remarks of the Senator from New York in the caucus that there is a $17 billion appropriations bill and our entire region of the country is getting $200 million in appropriations. In the next couple days, when we object to

the bill and Senators ask how can you jeopardize this entire legislation for the whole country, recognize this is what matters for us, and it may be all that is in the bill that matters, and that is why we are going to take a stand here and do what is required across the region, across the South to ensure these few remaining farms can survive.

I thank the Senator from New York for his support and leadership, and I thank the Senator from Pennsylvania for offering the amendment. We will be back to fight another day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise in opposition to the dairy compacts that exist and are being proposed, and it is for very good reason. We have never had price-fixing arrangements in the history of our national economy.

When the Articles of Confederation were proposed, they understood we needed a national unified economy, and the beauty of our economy today, which makes it the envy of every country in the world, is that in the United States of America, since we started, every product and every service has unimpeded access in all 50 States. That promotes competition, that promotes excellence in quality, and that promotes the best prices for our consumers.

What they are proposing right now is that we invalidate that concept and we start going down the road of price-fixing cartels, arrangements that will allow for no competition pricewise and, as a result, for access basically from one market to another in the case of milk.

Once we start doing that, then we have to recognize that other commodities and other products will come to the Senate asking for the same consideration. If we allow that for milk, then we certainly have to recognize that other commodities and other products have the right to make the same arguments.

What will happen 10 years from now or 20 years from now when we balkanize the American economy by virtue of price arrangements between States based on commodities that they share? We will have an economy in which the consumer will pay. When we have price-fixing arrangements and allow producers to get more than what the market would normally allow them to get, inevitably, always the consumer pays and inevitably, we will begin to destroy this great national economy we have built up over the past 200-plus years.

With respect to the loss of dairy farms, I come from the Middle West, and statistically we have lost as large a percentage of our dairy farms as they have in the Northeast. We have lost between 30 and 40 percent of our dairy farms over the past 20 years. That is statistically exactly what has happened in the Northeast. Their situation is not unique.

The answer is not to balkanize that industry or any other industry and pit one region against another. The answer is to have a national policy that covers the existence and the proposed prosperity of all dairy farmers everywhere, not just in the Northeast. The answer will never be, in my judgment, price-fixing arrangements because, as I said, under those conditions, inevitably the consumer pays, and that is not what we do in this country. That is not how our economy operates.

I am suggesting the reason this amendment has been pulled, basically because it does not have the votes, is because a majority of the Senators—and this is bipartisan—a majority of the Senators recognize that price-fixing arrangements between States on commodities is not the way in which we want this economy to begin to progress into the future.

I urge my colleagues to consider in the days ahead what may or may not occur by way of trying to balkanize the dairy industry from one State to another. I do not think it has ended yet. I think it is going to be discussed again. But if there is an honest and fair vote in the Senate, which is the only way to determine policy on any issue but certainly on an issue as important as this one, we will not support dairy compacts. They do not make any sense. There are other ways to deal with the problem, not just in the dairy industry but in the agricultural industry because we have to recognize that it is not just the dairy industry which is in trouble in America; it is the entire agricultural sector, one product after another, one commodity after another. It is not just in the Northeast; it is in the Middle West, it is in the Plains States, it is in the North and in the South.

The agricultural industry has not found a way to provide prosperity for all of our farmers. We have been struggling with it. We all know that as Senators. But now the dairy industry comes along and says: Let us balkanize our industry and let us be allowed to set prices for which the consumer will pay more.

That is a huge step, and before we take it, we need to have much more extensive debate on the agricultural industry in this country and how we are going to deal with that, including the dairy industry.

I thank the Chair, and I yield 5 minutes to the Senator from Minnesota. I ask unanimous consent that if there is no objection, the Senator from Wisconsin be allowed to speak after the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

Mr. DAYTON. Mr. President, how much time do I have allotted?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. DAYTON. Mr. President, I commend the distinguished Senator from Wisconsin for his leadership on behalf of the dairy producers of his State and my own State on this matter. I thank also the chairman of the Senate Agriculture Committee, Senator HARKIN, and the ranking member, Senator LUGAR, who have collaborated on this legislation with some disagreements.

What has been important in this undertaking is a recognition that timeliness of this legislation to benefit all the farmers of America in some form or another is very critical. It is unfortunate, in my view, that this matter has been offered at this time.

I say that with all due respect to my distinguished colleagues who have sponsored and who have cosponsored this amendment. It is terrible economic policy; it is terrible agricultural policy; and it is terrible national policy.

The Northeast Dairy Compact as it exists today confers a substantial status on six States. It is a cartel. It is legalized price fixing, and it is economic discrimination against States such as Minnesota and our dairy producers.

Now, according to this amendment which has been withdrawn but which may be brought forward again or inserted into the conference committee deliberations, in order to protect their own special deal, they propose to make a series of Faustian pacts with other States. We learn today that under this proposed legislation, the Southeastern States of our country would get their special deal; the Pacific Northwest States would get their special deal; and other States in the country would get their special deal. I guess the theory is if you make enough deals, maybe it will add up to 51 votes on the Senate floor.

It is a siren song, the false awareness of brief economic advantage at other people's expense. It is a beggar-thy-neighbor approach to economic and farm policy, and it will be the death knell, if successful, of a national farm policy. It will be the death knell to a national unified dairy program, which is what should be the focus of the new farm bill.

Instead, it will result, as my distinguished colleague from Wisconsin and my distinguished friend from Minnesota have said already, in the balkanization of the United States dairy industry, pitting one region of the country against another, with everybody conniving and conspiring to undercut everyone else, the direct opposite of what we need in order to have a sensible national agricultural policy, which is what the chairman and the members of the Agriculture Committee are trying to put into place.

We have had hearings for the last several weeks on the supplemental Agriculture bill, and this subject has

never been brought forward. We have had hearings even on the new farm bill, which we will be taking up in the fall. There are differences of opinion from one group to another. There are different economic interests at stake. But not a single other commodity group has proposed a program which benefits the producers of one region of the country at the expense of others.

Now there is one exception where the dairy producers of one region are trying to bring in others on their side who see a market in balance between supply and demand that is temporarily to their benefit, saying we want our own cartel. Our producers are included; their producers are excluded.

The proponents say—I have heard it on the Senate floor—we have a right to this. We are not asking for anything. We have a right to this kind of economic policy. I could not disagree more. The proponents are asking for the right to violate the U.S. Constitution. They are asking for the right to violate the basic principles, both economic and social, of one nation comprised of 50 States, not one State comprised of 50 countries, not one State balkanized into eight separate economic regions, each one looking out only for itself.

The economic problems afflicting American dairy producers are very real. The problems afflicting Vermont dairy producers, New Jersey, and Pennsylvania farmers are very real. The economic problems afflicting Minnesota dairy producers are very real, as they are in our neighboring State of Wisconsin. To the States which have supported this amendment, and others who think they might benefit temporarily from these arrangements, let's work together on behalf of all of our dairy producers over the next few months. Let's work together on behalf of the entire U.S. dairy industry over the next few months and incorporate this national interest, a common national interest into the new farm bill. That is the direction I believe we should take with this proposal.

I yield to my distinguished colleague, the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Minnesota. It is wonderful to have a new and strong ally on this issue from Minnesota. I thank my senior colleague, Senator KOHL, for his tremendous leadership on this issue. It is a great concern to everyone in our State of Wisconsin.

I rise today in opposition to this effort to expand and extend the Northeast Dairy Compact. As the senior Senator from Wisconsin has said many times, it is a price-fixing dairy cartel that hurts dairy farmers outside the compact region.

In fact, a few days ago, the Judiciary Committee, on which I serve, held a hearing on the record of the dairy compact. I do commend the chairman of the Judiciary Committee for allowing both those for and against the compact to have a chance to testify. I was there for the whole hearing. Sometimes we have hearings around here that maybe we can do without, but this was very useful.

It clearly showed Congress should not renew or expand the compact.

I thought that the most compelling testimony came from two people: Richard Gorder, a Wisconsin dairy farmer, who spoke about the compact's impact on dairy farmers outside the compact region, and Lois Pines, a former Massachusetts State Senator and former compact supporter, who detailed her opposition to the compact.

Mr. Gorder outlined better than any other witness the true impact of the dairy compact on dairy farmers outside that region. Given that Mr. Gorder was the only dairy farmer to testify at the hearing, I think it would benefit my colleagues to hear how he described how the compact operates.

According to Mr. Gorder:

> Regional dairy compacts place a floor under the price of milk used for fluid purposes in the compact region. This artificial price increase creates an incentive for more milk production in the region, yet represses the consumption of fluid milk in that area. The surplus that results finds its way into manufactured milk products such as cheese, butter, and milk powder.
>
> While dairy compacts insulate that market from competition by placing restrictions on milk entering the compact region, they impose no restrictions on the surplus milk and milk products that must leave the region in search of a market. As a result, the market distortions of dairy compacts have a negative effect on prices of producers in non-compact states.

Mr. President, an expanded compact will cause Wisconsin dairy farms to lose between $64 million and $326 million per year. Whichever number is used, the long range consequence would be even greater if you were to calculate the economic impact to our rural communities.

I thought that former Senator Pines' testimony was also incredibly compelling. Here is a former state senator—the chairman of the committee that helped push through the compact—who is now calling the dairy compact a failure.

She detailed how the Northeast Dairy Compact hasn't even stopped the loss of small farmers in the Northeast. According to the American Farm Bureau Federation's data, New England has lost more dairy farms in 3 years under the compact—465—than in the 3 years prior to the compact.

Let me read from former Senator Pines' statement:

> The evidence clearly shows that Compact supporters were wrong about how the Compact would save small family farms and protect the region's consumers . . . the claims made by compact supporters have had two debilitating impacts on state and federal policy process:
>
> (1) they have grossly misled hundreds of lawmakers in Congress and state legislatures, including myself, and persuaded them to mistakenly give their support to compacts: and
>
> (2) they have diverted lawmakers' attention from developing and implementing policies that could rally help to keep small dairy farmers on the land, genuinely protect consumers, and effectively preserve open space in rural New England.

Not only does the Northeast Dairy Compact not help save New England farmers because it gives the vast majority of its subsidies to large dairy farms, it also aggravates the inequities of the Federal milk marketing order system by allowing the Compact Commission to act as a price fixing entity that walls off the market in a specific region and hurts producers outside the region.

The Northeast Interstate Dairy Compact Commission is empowered to set minimum prices for fluid milk higher than those established under Federal milk marketing orders. Never mind that farmers in the Northeast already receive higher minimum prices for their milk under the antiquated milk pricing system.

The compact not only allows these six States to set artificially high prices for specific regions, it permits them to block entry of lower priced milk from producers in competing States.

This price fixing mechanism arbitrarily provides preferential price treatment for farmers in the Northeast at the expense of farmers in other regions who work just as hard, who love their homes just as much, and whose products are just as good or better.

It also irresponsibly encourages excess milk production in one region without establishing effective supply control. This practice flaunts basic economic principles and ignores the obvious risk that it will drive down milk prices for producers outside the compact region.

The dairy compact is unconstitutional. Compacts also are at odds with the will of the Framers of our Constitution. In Federalist No. 42, Madison warned that if authorities were allowed to regulate trade between States, some sort of import levy ''would be introduced by future contrivances.''

I would argue that the dairy compacts are exactly the sort of contrivance feared by Madison. Dairy compacts are clearly a restriction of commerce, and, in effect, they impose what amounts to a tariff between States. The Founding Fathers never intended the States to impose levies on imports such as those imposed by one nation on another's goods.

At the recent judiciary hearing, we heard this same argument from Professor Burt Neuborne, who has taught constitutional law for 25 years. Professor Neuborne said:

[the compact] violates the commerce clause, as well as the Privileges and Immunities Clause of Article IV, section 2, as well as the 14th Amendment . . . and is an inappropriate and possibly unconstitutional exercise of Congress' power.

Mr. Neuborne continued to say that:

The Founders abandoned the Articles of Confederation in favor of the Constitution in order to eliminate the rampant protectionism that threatened to destroy the United States.

The compact is exactly the type of protectionist barrier the Founders worried about.

More than anything, the compact debate is about fairness to all dairy farmers. Over the past 50 years, America's dairy policy has put Wisconsin dairy farmers out of business by paying Wisconsin dairy farmers less for their milk. In 1950 Wisconsin had approximately 150,000 dairy farms and we are now down to about 18,000.

Do we pay sugar growers more in Alaska? No. Do we pay orange growers more in New York? No. Do we pay avocado farmers more in Indiana? No, and we shouldn't. We have one nation, one dairy market, and we should pay all dairy farmers—regardless of where they live—the same price for their milk.

As I said earlier, dairy farmers in the northeast and southeast already receive more for their milk. The compact makes the situation worse by walling off the majority of the country from receiving milk from outside the compact.

I urge my colleagues who support compacts to go to a farm in Marathon County, WI, and explain to the family who have owned their farm for three generations that they have to sell their farm simply because they will be paid less for their milk because of some political game.

Instead of focusing on regional dairy policies Congress must turn its attention to enacting a national dairy policy that helps all farmers get a fair price for their milk. Congress needs to follow the lead of people like my senior Senator, Mr. KOHL, who has demonstrated that if we work together, we can provide meaningful assistance to America's dairy farmers.

I believe Congress must enact a national dairy policy such as the one envisioned by Senators KOHL and SANTORUM. This legislation brings a national, unified approach to a national problem.

Who can defend the dairy compact with a straight face? This compact amounts to nothing short of Government-sponsored price fixing that hurts producers outside the compact region. It is outrageously unfair, and also bad policy.

I hope that Congress will turn its attention away from dairy compacts which ultimately hurt both consumers and farmers. Its high time to begin to focus on enacting legislation that helps all dairy farmers. America's dairy farmers deserve a fair and truly national dairy policy, one that puts them all on a level playing field, from coast to coast.

I yield the floor.

Mrs. CARNAHAN. Mr. President, the Southern Dairy Compact is an issue of tremendous importance to many Missouri farmers. Missouri has been losing its dairy industry. Last year, we lost 171 herds and 5,000 cows. Some estimate this economic loss at up to $40 million.

Just over 2,000 class A dairy farms remain in Missouri. To survive, they need milk prices to remain stable. Without assistance from a dairy compact, farms in Missouri are likely to disappear at an even faster rate. Last year, the Missouri General Assembly passed legislation allowing the State to join the Southern Dairy Compact. My late husband, Mel Carnahan, signed the legislation into law. Missouri dairy producers and the Missouri Farm Bureau support this measure as well.

I do not agree with critics of dairy compacts, who contend that compacts encourage farmers to overproduce milk. Look at the track record of the Northeast Compact. Last year, only one State in the Northeast Compact, Vermont, saw its production increase. The increase was by 2.8 percent, which is below the national average increase of 3 percent over the same period. Milk production in the other States in the compact actually decreased.

Further, there have been practically no surplus dairy products purchased from the Northeast Compact region since the Compact was established. In spite of this, the Northeast Compact has taken aggressive steps to discourage overproduction by providing incentives for farmers not to overproduce.

We will do the same in the Southern Dairy Compact, even though overproduction is improbable in the Southern Compact States. Most of the southern States, like Missouri, are net importers of milk.

Saving our small and mid-size family farms is an important issue for us in Missouri. Allowing Missouri to join the Southern Dairy Compact could help many of these farmers. I hope that the Senate will be able to vote on this important issue in the near future.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I know the Senator from Ohio wishes to offer an amendment this evening. We have talked to him, and he indicated he wants to do that tonight. That is fine.

What I wanted to talk about a little bit, as someone who is not heavily involved in farm policy but heavily involved in the legislation, is I understand how the Senate works. I have no doubt in my mind that this legislation is being given the perennial slow dance. We are waltzing into nowhere. We tried to move this legislation last week, Friday. We were on it on Monday. We were forced to file a cloture motion just to be able to move on the bill, the motion to proceed.

This bill is very important to the breadbasket of America. The people who raise and produce our food and fiber all over America need this very badly. This is an emergency appropriation, an emergency Agriculture bill. Why? Because there are emergencies out in the farm country that we have heard talked about here in the last 2 days. The legislation is going nowhere. I am very concerned about that.

We have an August recess coming up. We are told by the powers that be downtown that this legislation has to pass or the farmers will lose the money that is set forth in this bill, billions of dollars around America that will make the difference between farms staying in business, farmers being able to stay on their farms, or, as one Senator talked about today, whether another farm, another farm, another farm will be leveled off and a shopping center will be built, or homes.

Family farms in America are threatened. They will become an even more threatened species if we don't do something about this legislation.

It was interesting to me to hear the wide support for this legislation. New Jersey is a heavily populated State. The Senators from New Jersey are concerned about this legislation. All over America people are saying: We have to do something to help the farmers.

Yet the Senate is, as my friend from North Dakota has said, walking as if we are in wet cement. It is really hard to pull one foot out and get the other one in. We are going nowhere with this legislation.

The American public should understand that we understand that this legislation is being stalled for reasons I do not fully understand. It is being stalled. I hope everyone understands we have waited around here. An amendment was offered. We in good faith offered a motion to table that amendment. It was tabled. What do we know, that amendment is going to be offered again. We can have another long debate and another tabling motion and proceed. I guess they could do it again and again.

It appears to me that the majority leader is going to have to arrive at a point where he is going to have to file cloture.

Everyone knows—I shouldn't say everyone knows, but I hope that this discussion tonight will help a lot of people

understand, especially those people in farm country, the States that are so dependent on these farm programs, this is being held up by the other side, by the minority.

We are going to come to a time where we are going to have to wrap things up for the August recess and, in effect, the farmers will end up getting nothing.

Mr. DORGAN. I wonder if the Senator will yield.

Mr. REID. I am happy to yield to my friend, without losing my right, for a question.

Mr. DORGAN. This has been a very frustrating time for a number of reasons. The Senate seems to have begun moving in slow motion, if that, in recent days and weeks. Last week I recall we had the Department of Transportation bill on the floor. We had very few workdays remaining before the August break and very important legislation to get finished or completed by then. Despite this, during proceedings on the Department of Transportation bill, the Senate was in quorum call after quorum call. No one would bring amendments to the floor. What we had, it appeared to me, was kind of a deliberate slowdown.

Now, we have brought an emergency Agriculture bill to the floor of the Senate—an emergency supplemental. I understand some people would prefer to provide less money to family farmers who are in some trouble, some real trouble because of collapsed grain prices. They would like to provide less money. I understand that. They have a right to offer amendments to reduce the amount of help for family farmers. We had one such amendment today, and the amendment lost.

It is a rather frustrating time because even to get to the emergency bill to help family farmers, we had to file a cloture motion to proceed, for gosh sakes, not even on the bill. It was a debate on whether or not we should debate the bill. This is an emergency supplemental appropriations bill. That was on Friday. Then on Monday, we had to vote on the cloture motion. Now we are at the end of the day on Tuesday.

I ask the Senator a question, perhaps more appropriately answered by the manager of the bill, the Senator from Iowa: Are we facing a prospect of seeing an end to this so we might be able to get this passed, have a conference, and get it completed by the end of the week? Are there amendments still pending? Are there amendments on our side?

I am told we are done with the amendments, we are ready to go to third reading, and yet we were in a quorum call before we took the floor. I understand the next amendment has nothing to do with this bill. Apparently there is one more amendment ready that is totally extraneous to an issue dealing with family farmers.

It is also the case, I understand, that there are other amendments but no one knows what amendments or how many amendments or when we might finish.

Are we in a circumstance where there is kind of a slow-motion march going on, not necessarily in the right direction? I might ask the Senator, if he knows, is there an end date we might expect the minority to be helpful to us in passing this legislation?

Mr. REID. I say to my friend, the distinguished Senator from North Dakota, the reason I am a little personally troubled about this, the Senator will recall last year, before the August recess, we passed eight appropriations bills. How were they passed? Because we, as a minority, helped the majority pass those bills. My friend will remember the many times the majority leader assigned the Senator from North Dakota and this Senator to work through amendments, and we did that. We worked through hundreds of amendments in an effort to pass an appropriations bill.

The reason I feel personally concerned—I will not say my feelings are hurt because I am an adult and I understand how things work, but we are not being treated the same way we treated the majority, when we were in the minority, in passing these appropriations bills. We thought it was important to get them passed, get them to the President. It seems to me that same philosophy is not here.

We have appropriations bills. For example, the Senator mentioned the Transportation appropriations bill. The House passed a bill, and the Senator from North Dakota wanted to offer an amendment. In effect, it outlawed Mexican trucks. I am being a little more direct, but basically that is what it did. The two managers of the bill, Senators SHELBY and MURRAY, offered a compromise, a midpoint. We could not even get that up. There was a filibuster on that, recognizing that if the President was concerned about it, the time to take care of it was in conference.

In the Transportation appropriations bill, it appears they did not want it passed. It did not matter how reasonable or unreasonable something was; they simply did not want it passed. We now have a situation, I say to my friend, where we are not allowed, on the energy and water appropriations bill that I worked very hard on with Senator DOMENICI, to even get a conference on that.

Mr. DORGAN. Mr. President, if the Senator will yield further for a question, I know my colleague from Iowa perhaps wishes to inquire as well. I understand—and I think the Senator from Nevada understands—we cannot get anything done in this Chamber without cooperation. There is no question about that. Unless we all cooperate and find a way to compromise, with some goodwill, the Senate will not get its work done. We must get through certain legislation by a certain time. Unless we find a way to cooperate, it does not happen. That is because the levers in the Senate are substantial and can slow things down.

As I said yesterday, no one has ever accused the Senate of speeding on a good day, but the ability to slow the Senate down or stop it is an ability that almost any Senator has.

I also understand this is a difficult time in a lot of ways, and I understand there are some who are pretty negative about some of the things we propose to do; for example, the transportation and the trucking issue. On the legislation dealing with emergency help to family farmers, the Senator from Iowa has put together a bill that I think is terrific legislation, and I am proud to support it. It is very helpful and very important to family farmers. I know there are some who take a negative view of it and I respect that.

I must say, when I think of that, I think of Mark Twain who was asked once to engage in a debate. He said: Of course, as long as I can have the negative side.

They said: We have not yet told you what the subject is.

He said: It does not matter. The negative side requires no preparation.

It is very easy to oppose almost anything. What we need to do is to ask for some cooperation.

We are going to have to pass an emergency supplemental bill to help family farmers. We know that. We have provided for it in the budget. We know we need to get this done, and everyone in this Chamber knows it has to be done this week. We ask for some cooperation. We have so much more to do than just this bill.

Is it not the case that we also have to do the VA-HUD appropriations bill; we need to finish the Department of Transportation appropriations bill; we have to get this emergency supplemental appropriations bill done; we have the export bill we have to get done—all of this between now and the end of this week?

My great concern is there seems to be no activity in the Chamber, and it is not because we do not want to get to a final conclusion on this legislation. It is because those who want to thwart us from making progress can easily do so, and at least have been doing so now for some number of days, beginning at least at the start of last week and perhaps partly the week before.

I ask the Senator: Is there a prospect of being able to make some progress with this emergency legislation? If so, how can we do that and how can we enlist the cooperation of the other side and say we need to have our amendments and have our shot at these amendments and have a vote? if we lose we lose, but we at least move the

bill and go to conference. I ask my colleague from Nevada, how can we accomplish that?

Mr. REID. I say to my friend, who is a veteran legislator, we can only get legislation passed when one is willing to compromise. Legislation is the art of compromise, the art of consensus building. We do not have anyone willing to compromise at all. It is all or nothing, their way or no way.

It is too bad because the Senator is absolutely right. We have four things the majority leader has said he needs to do before we leave. It is not that he is being arbitrary. First of all, the Export Administration Act expires the middle of August, and the high-tech industry of America needs that legislation very badly.

He did not drum this farm bill out of nowhere. It is something that has to pass the experts downtown. The Office of Management and Budget has said the money is lost if we do not pass this bill so it can go to family farmers. We have to do it, they say, by the August recess. The Transportation appropriations bill, we need to get that done. It is almost all done anyway. Then, of course, there is VA-HUD. I was here today when the House sent this over. It is done in the House. We could do that. Senators MIKULSKI and BOND have both come to me, they have come to the minority leader and the majority leader, saying: When can we do this? It will not take very long. But we are being prevented from moving forward on legislation. I think it is too bad.

I see my friend from Oklahoma, my counterpart. I can reflect back this past year, when we were in the minority, and Senator LOTT said on a number of occasions he appreciated our help in getting these things passed. We worked very hard to get bills passed. It does not seem there is reciprocation.

If it is payback time, we are not being paid back the way we paid out, and I hope there can be something done. For example, the Senator from Ohio believes very strongly about this issue. I have great admiration for the Senator from Ohio. He was a great Governor. He is an outstanding Senator, and this is an issue in which he believes very strongly. We have to get our financial house in order. I do not know how many times we have debated this issue. When he and Senator CONRAD came the last time, they each received 42 votes. His amendment received 42 votes; Senator CONRAD's received 42 votes.

We can go through that same process again, and I am willing to do it. It is an important issue, but it is not moving the legislation forward at all that is before this body.

Mr. NICKLES. Will the Senator from Nevada yield for a question?

Mr. REID. The Senator from Iowa had a question first, and then I will yield. I did not respond to the Senator from Iowa, who has a question.

Mr. HARKIN. I appreciate the Senator yielding. I do have a question, and I want to proceed by saying we do not have any amendments on this side to the agricultural emergency bill. We are ready to go to third reading. We are ready to pass the bill right now.

We had a debate today on whether or not we wanted one level or another level. It was a good, honest debate. We had the vote. One side lost and one side won. It would seem to me then we should move ahead.

I was dismayed this afternoon when the Senator from Pennsylvania offered the dairy compact amendment, which by the way is not even germane to this bill. The dairy compact belongs in the Judiciary Committee, not the Agriculture Committee. The Senator has a right to offer an amendment.

They yanked the amendment, but they are going to come back tomorrow. I am beginning to sniff something here. What I am smelling does not smell very good. It smells like a deliberate attempt to slow down, if not stop, this emergency Agriculture bill. I did not think that until just a little while ago. I hope I am wrong. I hope we can come in tomorrow and wrap this up in a short time, have a final vote and see which way the votes go, and then move on.

My question to the Senator from Nevada, our distinguished assistant majority leader, is simply this: Is it not true that we in the Senate should do what we think is in the best interest of the country to have the votes and let the President decide what he wants to do at that point in time?

The Senator spoke about this idea of working together. President Bush came into office saying he wanted to work in a spirit of compromise. That is what we have to do around here. We do have to compromise. We have to work things out. But now there is some talk that the President has said—I have not heard him say it, and we do not have a letter from the President, but we have something from OMB saying his advisers will recommend he veto the committee-passed bill which is before the Senate.

I say to the Senator from Nevada, is that what we are reduced to, we cannot do anything here unless the President puts his stamp of approval on it?

Mr. REID. I say to my friend from Iowa, I mentioned briefly the Transportation appropriations bill. The President said he did not like it. If he did not like what was in the Senate bill, he must have hated the bill which was passed by a Republican House.

In the Senate, we have a compromise worked out by Senators MURRAY and SHELBY, and we are told they are not going to let us do that; the President will veto it.

The Senator from Iowa has been a Member of Congress longer than I have, and the Senator from Iowa knows the way the President weighs in is during the conference stage of legislation. That is why I have talked off the Senate floor to my friend from Iowa indicating: TOM, I think they are trying to stall this bill. The Transportation bill, obviously, they are doing that, and here we have the same thing.

If the President does not like this legislation, that is fine; he has veto power, and it is obvious his veto will be sustained. So why doesn't he let us go to conference and the Senator from Iowa and his counterparts in the House, with Senator LUGAR, can work this out and bring it back? That is the way things are done.

If the President is going to say, unless the Senate does what I want, the bill is going nowhere, and he instructs his people in the Senate the bill is going nowhere, if that is the case, then we might as well be taken out of it and have him declared the King.

Mr. HARKIN. We might as well have a dictatorship if we cannot do anything unless the President first says we are allowed to do it. I hope I am wrong. I refrained from saying anything about it since this afternoon, but it appears to me there may be a deliberate slowdown here.

Again, I say to my friend from Nevada, I hope I am wrong. I hope we come in tomorrow morning and dispose of amendments. I hope we can propose a time agreement tomorrow so we can vote on final passage of this Agriculture emergency bill. Doesn't that seem like a logical way to proceed, I ask the Senator?

Mr. REID. I have heard from the Senator from Iowa and the Senator from North Dakota that their States are so dependent on agriculture. It is difficult for me to comprehend. In Nevada, we grow garlic, a few potatoes, and lots of alfalfa. The States of Iowa and North Dakota are two examples. I heard the Senator from North Dakota say over 40 percent of the economy of the State of North Dakota is agriculture related. Iowa is a huge part of that economy.

Mr. HARKIN. It is our biggest industry.

(Mrs. CARNAHAN assumed the Chair.)

Mr. REID. Madam President, both Senators have said, if this legislation does not pass, what it will do to their States and what it will do to their farmers. That, to me, indicates the President should allow us to move this bill along.

It appears to me this is all coming from the White House. The Senator does not have to agree. I understand. But it appears to me this is all coming from the White House. We are being allowed to move nothing. Nothing. We have had no conferences. The few bills we were fortunate enough to pass, we have had no conferences.

The President wants us to write the legislation he thinks is appropriate.

The last measure we worked on, the Transportation appropriations bill, is a perfect example. It appears he wants it his way or no way.

I say to my friend from Iowa, I hope I am wrong. I told you earlier today I thought it was being slowed down, that it was going nowhere. I hope I am wrong.

Mr. HARKIN. I hope so, too.

Mr. REID. I hope people say: Let's agree to go to final passage at 5 o'clock and go to conference. The House is trying to adjourn Thursday. We can have the conference Thursday. We will spend all night doing it. We can do it. That is the way we used to legislate.

Mr. HARKIN. I am informed on this go-round I will be chairing the conference. I spoke with both the chairman and ranking member of the House Agriculture Committee today. They said we can go to conference and wrap it up in short order. I think that is true. Given a good morning or afternoon, I believe we can work this out and come back with a package that will be widely supported, but we cannot get there if we cannot get to a final vote on the bill.

Mr. REID. I say to the Senator, I saw the chairman of the House Agriculture Committee in the Senate Chamber today.

Mr. HARKIN. And the ranking member.

Mr. REID. I did not recognize him.

Mr. DORGAN. Will the Senator yield further?

Mr. REID. I will be happy to yield.

Mr. DORGAN. Madam President, there is a pretty wide gap between what Washington thinks and what farmers know. This, after all, is about family farmers. That is what the issue is: emergency help for family farmers. There are a whole lot of folks in the country struggling to make a living. Prices family farmers receive—the price for commodities—have collapsed to 1930 levels in real dollars.

I heard some people say: Things are improving. Yes, the price of cattle has improved, there is no question about that, but I guarantee, there is no one who serves in the Senate who has seen their income diminished in any way that resembles what has happened to family farmers. Grain prices are still at a very significant low.

When one takes particular grains and say they are at a 17-year low or 25-year low and then say they have improved slightly from that, the improvement ''slightly'' does not mean very much. It doesn't mean much to family farmers if slight improvements in the prices they receive means they are going to go broke probably a few weeks later.

The fact is, our family farmers are in desperate trouble.

The point I make is this is an emergency supplemental bill dealing with agriculture. It is in the budget, it is provided for, and we are trying to get some help out as soon as we can to family farmers.

Last Friday, inexplicably we were confronted with the question of having to file a cloture motion on the motion to proceed. In plain English, that means the other side said we had to have a debate about whether or not we were going to have a debate on this issue. We said: This is an emergency issue to help family farmers. These are, pardon me to others, America's last heroes, in my judgment. These are families out there struggling, working under a yard-light trying to keep it together. They are harvesting a crop—if they are lucky enough to get a good crop—and trucking it to the elevator only to find they are getting pennies on the dollar, 1930s prices in real value.

The fact is, they are hanging on by their financial fingertips trying to stay alive. And then when we came to this issue, we were told we have to debate whether we are going to be able to debate.

I am sorry, there is something wrong with that. There is something that misses the urgency of what ought to be done by the Senate to help families who are in trouble.

I help a lot of people. I am someone who believes I have a responsibility to invest in other States, in other regions. I support mass transit. We do not have a subway system in Bismarck, ND, but count me as a supporter because I believe it is important for our country to do that for other areas. I support programs in virtually every other area in this country because I think it strengthens this country. Investment in family farmers strengthens our country as well. This is just a small bridge. We have to build a bigger bridge for them in the new farm program which comes next.

To get from here to there, we are trying to do this emergency supplemental for Agriculture. It is just inexplicable to me that we even had to debate whether we would be allowed to debate. Once we got cloture, which says, ''It is OK, you won the debate; we can now debate,'' we find ourselves at a parade rest. It is like watching paint dry, except paint seems to dry more quickly than good debate on this bill.

I ask the Senator from Iowa—if the Senator from Nevada will yield to him—on other appropriations bills we have traditionally worked with each other, have we not? Both sides say all right, how many amendments do you have; this is how many we have; can we get time agreements; can we work them out; can we find an end date so we can get these done?

We have always done that. I hope we can do that on this piece of legislation because it is so important.

The only way we are going to accomplish anything, I fully understand, is to be able to elicit cooperation from both sides. We have to cooperate. I understand that. Anybody can stop this place. Throw a wrench in the crank case and it comes to a stop quickly. That is easy to do in the Senate.

Are we in a position, I ask the majority whip, where we are able to get perhaps the other side to say to us, and our side to say to them: Here are the total amendments we have. Let's work through them and find ways to reach an understanding of how we will get this bill passed.

Are we able to do that? If not, why not?

Mr. REID. I proposed earlier today that we have a time for filing amendments. No need to write it up. It will not happen. For those watching, that means if we have an agreement, usually we have very competent staff write up a unanimous consent agreement so we can propound it. There was no need to write this up because there was no chance the other side would agree in any way to limit amendments. We have no amendments on this side.

We are not a bunch of farmers over here. I say that in a positive fashion. We are not a bunch of Senators representing only farm States. We have a wide range of interests. We have been convinced the family farmers are so important, agricultural interests are so important to this country, we all support an emergency Agriculture bill. That is why all 51 on this side of the aisle support this bill. We want to move it quickly. If there is something wrong with it, I have enough confidence in the legislative process, and I recognize the President will be involved in it, that a different product will come back than what we pass. We are not being allowed to pass anything out of here. That is a shame. It hurts the institution. It hurts the legislative process. Most of all, I am convinced after 3 days of debate, the family farms, the agricultural interests in the country are being hurt, and hurt badly, and some irreparably damaged if we do not pass this legislation by this coming Friday or Saturday.

Mr. HARKIN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. HARKIN. It is important to keep in mind what we are trying to do, and I will preface that with a statement. We are trying to provide the payments to our farmers all over America the same basic rate of payment they got last year. It is not more, just the same basic rate. We know input costs have gone up; fuel is higher.

Mr. REID. ''Input'' means production costs.

Mr. HARKIN. Production costs are higher. We want to get them the same amount as last year. This is so important to my State. The difference between what the committee bill has and the amendment offered today by Senator LUGAR is about $100 million. That is how much we are hurting in my State.

If that amount of money is taken away, if we don't get that payment out, think of all the small town banks that have loans to farmers. These are not Bank of America and Wells Fargo. These are small, country banks. They have extended credit to these farmers. They have to pay back their depositors, too, just like any bank. Yet $100 million they would not get; that would be less than what they got last year.

Think of the damage that would do to our economy in the State of Iowa. In North Dakota, it is roughly half of that, $51 or $50 million in North Dakota. That is a big hit in a State such as North Dakota. Think of all the independent people, small town banks, implement dealers, feed stores, the seed companies, all the people up and down the Main Streets who, in many cases, have extended credit to family farmers, believing we are going to come in and do what the budget allows to be done. We are not asking for any more than what we got last year.

If I understand correctly, the President says we have to take less. Somehow we can afford to get hit harder in rural America. We cannot afford to get hit harder. We have been hit hard in the last few years, pretty darned hard. All we are asking is to make the same payments we did last year. The budget allows for that—the budget passed by the Republican Congress, I point out. The Republicans passed that budget. In that budget, there is money to allow farmers to get 100 percent of the market loss and oilseeds payments that were made last year.

If the budget allows it and the money is there, why should we not at least get the payments out for our family farmers on the same basis we did last year?

Mr. REID. The chairman of the Budget Committee has been on the floor for the last 2 days we have been on this bill. Each day he has said, citing line and verse of the Budget Act, that the budget resolution that was passed and the activity that has been generated by this bill do not in any way violate the Budget Act. He talked again this morning about this.

People are saying it is $2 billion over what it should be. I say to my friend from Iowa and anyone within the sound of my voice, we had a vote on that today, in effect. The vote was, no; it is fine. The vote was 52–48, as I recall. A close vote, but we have a lot of close votes, just like the Supreme Court makes a lot of close decisions. Even though they are close, that is the law. A vote that is 52–48 carries the same weight as a vote 99–1.

For anyone who says this bill is a budget buster, I offered a motion to table the amendment of my friend from Indiana. I moved to table that amendment because I felt the Senate should be able to speak as to whether or not they felt it was too much money. Clearly, the Senate said it was not too much money.

I repeat, this matter should be passed out of the Senate so we do have the opportunity, for the good of the farming community, agriculture all over America, for their benefit we should be able to go to conference with the House immediately. It should be in conference in the morning.

Mr. HARKIN. We could be. We could be in conference tomorrow.

Mr. THOMAS. Will the Senator yield?

Mr. DOMENICI. Could I ask a question?

Mr. REID. I yield to my friend from New Mexico without losing my right to the floor.

Mr. DOMENICI. I have been waiting to be heard for 6 or 7 minutes. How much longer before the Senator might be able to speak? The Senator has the floor.

Mr. REID. I understand that. I am about wound down. I think the Senator from Iowa is just about finished. Does the Senator from Wyoming have anything to say?

Mr. THOMAS. I was going to say if you wanted to hear from the other side, a Senator is standing here. I wondered if you would give the Senator a chance to speak.

Mr. REID. I will yield the floor in a minute. Having served with my friend from New Mexico for the years I have, no one ever has to worry about his having the ability to speak. He always figures out a way to do it. I have no problem yielding the floor in just a minute.

For the information of Senators, it appears clear there will be no more votes tonight. I also say the Senator from Ohio wishes to offer an amendment, and we will talk to the staff and perhaps we can work something out so when he finishes we can adjourn for the evening.

I am happy to yield to my friend, the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the distinguished majority whip for yielding, and Senator HARKIN. I will take only a few minutes. My friend from Ohio has been waiting for a long time.

I am listening tonight about how urgent matters are and how urgent it is we pass this measure tonight. I just want to make sure everybody understands that our farmers are in need of emergency relief provided in this bill. I hope my friend from Iowa is listening.

This Harkin measure was voted out of committee on July 25. The House bill came to the Senate on June 26—1 month before it was voted out by the Ag Committee, which you chair, I say to my good friend, the distinguished Senator from Iowa. So if there is 1 day's delay on the floor because somebody really thinks that dairy compacts are important to their State, should it actually, in reality, even be insinuated they are the cause for delay when, as a matter of fact, the House bill has been here for 1 month?

The House bill is still something that is possible. If we pass the House bill, everything our farmers need is completed. This bill that is before us in the Senate, has the House relief and then it adds additional spending into the next year—I am not arguing that the next year is against the budget resolution, but why do we have to, in an emergency, do next year's spending when the emergency we are worried about is this year?

I do not intend to stay here very long and debate the issue. I just thought it might be of interest to some, what the real facts are with reference to delay.

Having said that, I understand the great concern of the Senator from Iowa about agriculture. I understand the Senators on the other side who have gotten up and spoken today about agriculture. I do not want anyone to think that in the past 6 years while we were in control of the Senate we did not put very many billions—billions of dollars into emergency relief for the farmers. We did.

When I was chairman of the Budget Committee, on which I am now ranking member—obviously, you can just go back and add it up—some years it was $8 billion in emergency money, other years we voted for $6 billion and $8 billion and $12 billion. So it is not anything new to have to vote or to be in favor of emergency relief for our farmers. One of these days we need a better system, but for now the world economy and a lot of other things are imposing on our farmers in such a way that they do need help.

I am sure if the House bill were before us, with all of the emergency relief that is needed for this year, without which many farmers will not get what they are entitled to—if that were before us, it would probably get no negative votes. We could pass it and be done with it.

Having said that, why did the Senator from New Mexico today object to proceeding with the amendment, with reference to dairies?

I am pleased to note that even though I objected to a time limit, it was not the Senator from New Mexico who caused the delay. For some reason, the other side decided to pull the amendment. That is their own strategy. I didn't have anything to do with that. I compliment them for their arguments in favor of the compact that was before the Senate as offered by the distinguished Senator from Pennsylvania.

I would just like to say, all of us come here because from time to time we are worried about legislation and its impact on our States. I came to the floor earlier because I have been very busy and I was not totally familiar with the compact amendments that were on the floor. I did know, when I

came to the floor, that they might impact my State. I have now found they would impact my State in a dramatic way. All I want to do is tell the Senate what is happening to dairy in the United States.

We are here talking about compacts protecting States as if that is the only way to get milk products for American consumers. The truth of the matter is, New Mexico and one other State are shining examples of a total departure from the idea of compacts, and a departure that says: Innovation. Let's do new things. Let's save real dollars for those who are consuming. We want to save on transportation, and under the compact approach you do not save on transportation.

New Mexico's dairymen are competing in their part of the country with new technologies. They have new ways of treating milk before it is transported. They make it lighter. When it gets to where it has to go, it is returned to its original form, and who benefits? There is no change in the milk, and the beneficiaries are those who buy cheaper milk and those who producer more and more milk in the herds that are now grazing the landscapes of New Mexico and Idaho.

I want to say how important it is we let that happen, that we let this innovation and competition happen. I am quite sure those who have compacts feel just as strongly about their States and about what they are doing with small herds and the like, as I do about what is happening in my State. I believe what is happening in my State and a few others like it is the wave of the future. Innovation and competition are changing the face of business in all our States and it is going to change the production of milk and milk-related products, just as sure as we are standing here tonight.

In the year 2000, the dairy industry contributed over $1.8 billion to New Mexico's economy. The producers had about 150 individual dairy farmers, over 250,000 cows. That has grown since the early 80's and 90's. These are just the numbers we have are for the year 2000. New Mexico ranked 9th, believe it or not, in the total number of dairy cows; 10th in the total production of milk—5.23 billion pounds; 5th in the production per cow, 20,944 pounds.

Some listening from other States probably cannot believe that is really happening, but it is. Yes, it is. We continue to be the first in the United States in the number of cows per herd, with New Mexico dairies averaging 1,582 cows per operation.

I am very sorry if in some States they have small operations. But I think in the custom and tradition of the Senate that a Senator from New Mexico who has this happening in his State, which is otherwise a rather poor State, should have enough time to come to the floor and discuss something as complicated and detrimental to our State—probably as detrimental as any other legislation directly affecting New Mexico this whole year.

New Mexico dairymen have a dramatic impact on local and regional economies, from the hiring of labor to feed purchases. According to the New Mexico Department of Labor, New Mexico dairies currently employ up to 3,183 people with an estimated payroll of $64.8 million. Additionally, NM processors currently employ up to 750 people with an estimated payroll of $25.5 million. This is an industry that I am committed to fighting for.

Regional compacts could threaten this vital New Mexico industry. New Mexico has a small population and with the numbers I just mentioned, it produces a vast amount of milk. The future of the New Mexico dairy industry depends on mechanisms that are conducive to allowing NM milk to be transported to other areas. Compacts prohibit this type of activity.

The Northeast Dairy Compact was established in mid-1997 as a short term measure to help New England dairy farmers adjust to a reformed Federal milk marketing order system. Even though market order reform was completed in late 1999, the Northeast compact was extended 2 additional years. It does not need to continue.

The ''experiment'' with a Northeast Dairy Compact in the New England states has provided evidence against existing dairy compacts and potential expansion of compacts into other regions. I would like to take a moment and discuss why the Northeast dairy compact has been a failure.

The stated goal of the Northeast compact was to reverse the steady decline in the number of dairy farms in this country. The numbers simply state the opposite has proved true. American Farm Bureau data indicates that New England lost more farms in the three years under the compact 465 than in the 3 years just prior to the compact 444.

Most importantly, compacts are unconstitutional. Compacts blatantly undermine the commerce clause. One of the central tenets of the U.S. Constitution and a basic foundation of our nation is a unified economic market. We have never advocated for the right of States to unravel this central tenet of the U.S. Constitution, by allowing States to erect economic walls against one another.

The higher prices paid by processors are passed on to consumers at the retail level. Economic studies, including one ordered by the Northeast Compact Commission itself, have confirmed the pass-through costs to consumers. These studies put the retail impact of the Northeast compact anywhere from 4½ to 14 cents per gallon of milk.

Additionally, compacts discourage farmers and cooperatives from finding efficiencies in marketing, transportation and processing such as ultra-filtration and reverse osmosis technologies currently being used and improved upon by New Mexico dairymen.

This is definitely a commodity and an industry worth protecting. If compacts are designed to protect dairy farmers and dairy farmers need protection, then do it with a national, not a regional program. If there are problems with the program, lets consider a national solution rather than expanding and extending divisive regional policies. A national alternative will address the concerns of all dairy farmers, not just those in compact States.

Compacts establish restrictions and economic barriers against the sale of milk from other regions, increase milk prices to consumers in the compact region, and lead to a reduction in the price of milk paid to farmers outside the compact area. This is a quick fix not a national solution. We need a policy that addresses the concerns of producers in all regions, without pitting farmers in one region against those in other regions, or interfering in the marketplace through artificial price fixing mechanisms.

I fear the Northeast dairy compact has set some kind of precedent for regional price fixing for an agricultural commodity. This cannot continue. If we do not stop this right now, where will it stop? Will we soon see a regionally fixed price for wheat to make bread? Or how about fruits and vegetables? Or will we soon see unelected regional commissions fix prices for gasoline? Or coal? Or even lumber? These are all commodities that have a regional imbalance of production and consumption, somewhat similar to milk, and the producers of these commodities have seen hard times in recent history. I suggest regional price fixing should end immediately.

To reiterate, I challenge the constitutionality of the compacts. I believe they will be challenged sooner or later. I believe the U.S. Supreme Court is moving in a direction where they will be declared to be monopolistic. I think that is what is going to happen. But I do not want to debate that as a lawyer or constitutional expert here on the floor. I just want to say clearly I must, in all good conscience, defend my State against what is going to happen if we proceed too quickly and we do not have a chance to thoroughly understand this matter.

As I said, I have even studied the history of how we first got involved in these compacts. Actually, it was accidental. It was an emergency situation, and it was supposed to last for only 2 years. Two years has led into many years beyond, and instead of just the Northeast, it is spreading throughout. So what we have are these kinds of compacts among States all over America except for States such as New Mexico and perhaps Idaho.

We want to be competitive. We want to provide the very best products to as many American people as we can.

It is very important that we had this discussion today. I do not believe it is fair to characterize what has gone on here on this bill as any kind of excessive delay. You have a bill that exceeds what the President asked for and what the House passed by almost $2 billion. Use of that $2 billion will not occur until a year from now. It is not an emergency. Yet we have those saying if you do not let it pass, and let it pass quickly, you are unduly delaying what our farmers need.

It is very easy to decide how to fix this. Just take the 2002 money out of this bill and have it address a real emergency and let's vote up or down on it. That means we would not even have to go to conference. All the farmers in our country who need their checks this year will get them, and they will get them on time. Otherwise, it is very doubtful whether they will.

Pass this bill with the 2002 money. That is not an emergency. Try to pass it with anything like the compact and who knows where it will end up. The President isn't telling this Senator what to do. But I understand he will veto the bill. I understood where I was before I knew where he was, if anybody is interested on that side. Clearly, it did not come from the President. My concern is as it affects New Mexico.

I close by discussing what has happened in the last 10 years in the United States of America. It is a new economy. The United States has basically changed the underpinnings of its economy. President Clinton said it. Our new President says it. Alan Greenspan says it. It is a new economy in capital letters. It means we are changing. We are being innovative. We are becoming more competitive. We are inventing and putting more things on the market. What does that increase? It increases our productivity. Productivity is the key to the Social Security trust fund and to paying our seniors in the future. It is the key to having surpluses in the future. Productivity can apply to every industry, including dairy cows and milk production.

That is what we think ought to happen in America. We would like to continue to do it in our States. We would like for the Senate not to impose upon them a cartel. States can in a sense in their own circuitous way fix the product. Maybe you should strike ''fix the price'' and make arrangements for what it will cost so we will not be losing any pejorative words.

I am ready to discuss this tomorrow. I have been thoroughly apprised of the compact issue. I understand it, and I am willing to use a reasonable amount of time to discuss this tomorrow, and then proceed. But what we think on this is not going to get this bill cleared and say it will pass and it will go to the President. It has a lot of hurdles. The farmers need their money very quickly. We have already had a month when we could have produced a bill—at least 3½ weeks—for reasons which might be good. We didn't do that. But to complain right now that this 1 day on the Senate floor is what is hurting our farmers is just not true.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I have heard it said on the floor a couple of times today that the Agriculture Committee is not moving this bill quickly enough. The fact is, the Agriculture Committee did not have a reconstituted committee until June 29. Following that, it did not have its full membership until July 1. Following that, the committee worked 8 days. In 8 days, the bill came out of committee. It sounds like pretty good work to me. Within 8 days we had a major piece of legislation such as this coming out of the committee. Senator HARKIN and Senator LUGAR did a pretty good job.

I repeat: It could not move forward until the committee was reconstituted.

Last year we passed a bill similar to this. The agricultural community has problems in different places every year. But they always have problems. Last year we passed a bill with $7.1 billion. It was very close to what we are trying to pass this year.

AMENDMENT NO. 1212

Mr. LUGAR. Mr. President, I send an amendment to the desk and, following the reporting by the clerk, I ask unanimous consent that the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1212.

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

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

The amendment is as follows:

(Purpose: To provide a substitute amendment)

Strike everything after the enacting clause and insert the following:

SECTION 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, use $4,622,240,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2001 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2001 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $423,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of quota peanuts or additional peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Secretary shall sue $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387), to producers of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use $84,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 204(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers and first-handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 7. SPECIALTY CROPS.

(a) BASE STATE GRANTS.—The Secretary shall use $26,000,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(1) $500,000,000 to each of the several States; and

(2) $1,000,000 to the Commonwealth of Puerto Rico.

(b) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $133,400,000 of funds

of the Commodity Credit Corporation to make a grant to each of the several States in an amount that represents the proportion of the value of specialty crop production in the State in relation to the national value of specialty crop production, as follows:

(1) California, $63,320,000.
(2) Florida, $16,860,000.
(3) Washington, $9,610,000.
(4) Idaho, $3,670,000.
(5) Arizona, $3,430,000.
(6) Michigan, $3,250,000.
(7) Oregon, $3,220,000.
(8) Georgia, $2,730,000.
(9) Texas, $2,660,000.
(10) New York, $2,660,000.
(11) Wisconsin, $2,570,000.
(12) North Carolina, $1,540,000.
(13) Colorado, $1,510,000.
(14) North Dakota, $1,380,000.
(15) Minnesota, $1,320,000.
(16) Hawaii, $1,150,000.
(17) New Jersey, $1,100,000.
(18) Pennsylvania, $980,000.
(19) New Mexico, $900,000.
(20) Maine, $880,000.
(21) Ohio, $800,000.
(22) Indiana, $660,000.
(23) Nebraska, $640,000.
(24) Massachusetts, $640,000.
(25) Virginia, $620,000.
(26) Maryland, $500,000.
(27) Louisiana, $460,000.
(28) South Carolina, $440,000.
(29) Tennessee, $400,000.
(30) Illinois, $400,000.
(31) Oklahoma, $390,000.
(32) Alabama, $300,000.
(33) Delaware, $290,000.
(34) Mississippi, $250,000.
(35) Kansas, $210,000.
(36) Arkansas, $210,000.
(37) Missouri, $210,000.
(38) Connecticut, $180,000.
(39) Utah, $140,000.
(40) Montana, $140,000.
(41) New Hampshire, $120,000.
(42) Nevada, $120,000.
(43) Vermont, $120,000.
(44) Iowa, $100,000.
(45) West Virginia, $90,000.
(46) Wyoming, $70,000.
(47) Kentucky, $60,000.
(48) South Dakota, $40,000.
(49) Rhode Island, $40,000.
(50) Alaska, $20,000.

(c) SPECIALTY CROP PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops in the use of the grant funds.

(d) SPECIALTY CROP DEFINED.—In this section, the term 'specialty crop' means any agricultural crop, except wheat, feed grains, oilseeds, cotton, rice, peanuts, and tobacco.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States to be used by the States to cover direct and indirect costs related to the processing, transportation, and distribution of commodities to eligible recipient agencies. The grants shall be allocated to States in the manner provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)).

SEC. 9. TECHNICAL CORRECTION REGARDING INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

(a) CONDITIONS ON PAYMENT TO STATE.—Subsection (b) of section 1121 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277 (7 U.S.C. 1421 note), and as amended by section 754 of the Agriculture, Rural development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–42), is amended to read as follows:

''(b) CONDITIONS ON PAYMENT TO STATE.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

''(1) contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2002 (or as soon as administratively practical thereafter), to provide compensation to cotton producers as provided in such subsection;

''(2) requires the recipient of a payment from the indemnity fund to repay the State, for deposit in the indemnity fund, the amount of any duplicate payment the recipient otherwise recovers for such loss of cotton, or the loss of proceeds from the sale of cotton, up to the amount of the payment from the indemnity fund; and

''(3) agrees to deposit in the indemnity fund the proceeds of any bond collected by the State for the benefit of recipients of payments from the indemnity fund, to the extent of such payments''.

''(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—Subsection (d) of such section is amended to read as follows:

''(d) ADDITIONAL DISBURSEMENT TO COTTON GINNERS.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a contingent claim, as defined and provided in section 51 of chapter 19 of title 2 of the Official Code of Georgia), to compensate cotton ginners (as defined as provided in such section) that—

''(1) Incurred a loss as the result of—

''(A) the business failure of any cotton buyer doing business in Georgia; or

''(B) the failure or refusal of any such cotton buyer to pay the contracted price that had been agreed upon by the ginner and the buyer for cotton grown in Georgia on or after January 1, 1997, and had been purchased or contracted by the ginner from cotton producers in Georgia;

''(2) paid cotton producers the amount which the cotton ginner had agreed to pay for such cotton received from such cotton producers in Georgia; and

''(3) satisfy the procedural requirements and deadlines specified in chapter 19 of title 2 of the Official Code of Georgia applicable to cotton ginner claims.''.

''(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''Upon the establishment of the indemnity fund, and not later than October 1, 1999, the'' and inserting ''The''.

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING LOCAL DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive for one or more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2001 crop year may not exceed $150,000.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

''(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.

''(b) TOTAL AMOUNT OF EXPENDITURES.—The total amount expended under this Act may not exceed $5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

''(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

''(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(c) This section shall be effective one day after enactment.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I have had an opportunity to listen to my colleagues talk about what is happening in the Senate in terms of procedure. I had an opportunity to sit in the Presiding Officer's chair for a lot of time during my first 2 years in the Senate. In fact, I was the first member of the Republican Party as a freshman to get the Golden Gavel Award for 100 hours in the Chair.

I have to comment on what I am hearing on the other side of the aisle that this side of the aisle is delaying the passage of bills. The same complaints being lodged against the Republican side of the aisle are the same complaints the Republicans lodged against the Democratic side of the aisle during my first 2 years in the Senate. It is deja vu all over again.

The fact is, some of us have some major concerns that we would like to have discussed in the Senate. We would like to have our point of view listened to and taken into consideration. For example, the dairy compact was brought up and then withdrawn. I was very upset when this was brought up last time. My State was opposed to the dairy compact because we thought extending it was not in the best interest of our State, but I never had a chance to vote on it because it came up in conference. It was done in that way.

I think some of us who are concerned about the dairy compact think it is unfair to the farmers in our respective States. For example, my State legislature would never have granted permission for Ohio to be involved in the dairy compact. We ought to have an opportunity to talk about that in the Senate if we think it is something that is very relevant, and we should at least have a chance to vote on it on the floor, if that is the consensus of the Members of the Senate.

In addition, I have heard that this amendment I am bringing up this evening is not relevant to this farm bill. I happen to believe it is very relevant to this farm bill. The farmers in my State are not only interested in money for farmers and for agribusiness, but they are also very interested in fiscal responsibility.

For example, I was at a meeting of farmers in Ohio a couple of weeks ago. One of them asked me: Senator, why did you vote against the education bill? My response was that the education bill increased spending by 64 percent. There was not another question about it in the room. Someone said: Well, if you are going to increase education 64 percent over what you spent last year, that means there is not going to be money for other priorities facing the Federal Government.

The Agriculture Supplemental for FY 2001, in my opinion, could be passed immediately tomorrow if my colleagues on the other side of the aisle would agree to the $5.5 billion that the House passed and to which the President agreed to sign. One of my great concerns is that because of the disagreement over the amount of money this might be delayed. If it is not done before we go home, there is a good possibility that our farmers won't get the $5.5 billion that we want to provide for them.

I suggest to my friends on the other side of the aisle that they agree to the $5.5 billion. Let's get it done, and let's get the money out so we can help our farmers.

In my opinion, to add another $2 billion that is going to come out of the FY 2002 budget when we have a very tight budget situation already is fiscally irresponsible.

We know that the House provided $5.5 billion. If we put in another $2 billion for next year, that means that in order to revise the farm bill, we are going to have to put even more money in there. And I would argue that we are very close right now to spending the Social Security surplus in the 2002 budget.

So I believe this amendment that I am bringing to this Senate is relevant. It is an amendment that I brought up a couple of weeks ago, and it is an amendment I am going to continue to bring up. I am going to repeat the same words I heard from some of the Members on the other side of the aisle, where the Republicans, they felt, did not give them a chance for an up-or-down vote, whether it was on minimum wage or whatever else it was. I want an up-or-down vote on a pure Social Security lockbox. I do not want to see it tabled. I do not want to see it objected to on some procedural matter. I want an up-or-down vote on this. I think it is extremely important to fiscal responsibility for this country.

I think if we do not pass this lockbox legislation, that indeed we will spend the 2002 Social Security surplus of $172 billion.

So I am here to offer an amendment that will lockbox that Social Security surplus and force the Senate and the House to make the necessary hard choices that will bring fiscal discipline to the Government and keep the Social Security surplus from being used.

I am also offering this amendment because it is part of the covenant that we made to the American people when we passed the budget resolution and reduced taxes.

I refer to that covenant as the ''three-legged stool.'' One leg allows for meaningful tax reductions. One other leg reduces debt. The third leg restrains spending. The Presiding Officer may not know this, but in the last budget that we passed in the Senate, we increased budget authority for nondefense discretionary spending by 14.5 percent, with an overall increase in the budget of about 9 percent over what we spent in the year 2000.

I believe this amendment I am offering guarantees that the tax reduction will continue, that we will continue to pay down the debt, and that we will control spending. As I mentioned, if we do not get an up-or-down vote on this, I am going to continue, every opportunity I have, to bring this amendment to this Senate Chamber.

I think my colleagues should know that the softening economy and the inexorable growth of Federal spending are putting us perilously close to spending the Social Security surplus. I think that has been enunciated by Senator CONRAD on several occasions, that we are close to spending the Social Security surplus.

Until CBO and OMB issue their budget reports in August, we will not know for sure, but the early economic barometers are worrisome, and the primary barometer—tax receipts—is down.

In addition, I am concerned that the money in the fiscal year 2001 Agriculture supplemental bill—the bill we are talking about, including the more than $2 billion that the Senator from Iowa is looking to spend in 2002 funds—will, I fear, push us over the top towards spending the Social Security surplus.

So that my colleagues understand what is going on with spending in the Senate, let's just look at this chart. I call it the ''here we go again'' chart. The President came in with a budget recommendation of a 4-percent increase over last year. Our budget resolution came back with an increase of about 5 percent. But after the Senate has passed three appropriations bills, and if you take into consideration if we kept the other 10 appropriations bills at their 302(b) allocations, and you add in the $18.4 billion that the President proposes for defense spending, we are now at an increase in spending of 7.1 percent. And who knows where we are going to be going in the future.

So here we are in the middle of the appropriations season, and we are on track to increase discretionary spending in fiscal year 2002 by more than 7 percent.

But we are not done yet. We have 10 appropriations bills to go, and that does not include conference reports. By the time we are all done, who knows what the final fiscal year 2002 budget will be increased by?

Just look at how much we are increasing some of the specific appropriations bills already. I call this chart: ''old spending habits die hard.''

Here are the three appropriations that we have passed already: Legislative branch, 5.6 percent over last year; Energy and Water, 6.4 percent over last year; Interior, 7.9 percent over last year.

Now let's look at the other bills that have been reported out: Foreign Operations looks like it is OK, 2 percent; Transportation, 3.6 percent—but I am sure it is going to be more than that before the Transportation bill gets out of the Senate—Commerce-Justice-State, 4.4 percent; VA-HUD, 6.8 percent; Treasury-Postal, 6.8 percent; Agriculture, 7.1 percent. So when you add all of this together, there is a very good chance that our spending could be 8, 9, 10 percent higher than last year.

So I think we have a problem. As I mentioned, if you take into consideration that we increase education—that is, if we appropriate a 64-percent increase—we are really in trouble. I think a 64-percent increase for education, is $14 billion more than we would be spending ordinarily.

So I am trying my best, I am trying my very best, to avoid the spending ''train wreck.'' The amendment that I am offering will keep that train on track.

When I was Governor of Ohio, I was faced with a $1.5 billion budget deficit. When I came into office, my colleagues in the House and Senate, the President of the Senate and the Speaker of the House, said to me: George, don't worry about it. Everything is going to work out fine.

I did not think it would work out fine, and I began almost immediately to start cutting spending. Over a 2-year period, we decreased spending by almost $1 billion. If I had not gotten

started early with that process, we would have had a catastrophe.

My feeling is, the sooner the Senate understands we have a real problem that needs to be dealt with, the better off we all are going to be.

So the amendment I offer will guarantee we stay the course toward fiscal discipline. It contains two enforcement mechanisms: A supermajority point of order written in statute, and an automatic across-the-board spending cut to enforce the lockbox.

The amendment creates a statutory point of order against any bill, amendment, or resolution that would spend the Social Security surplus in any of the next 10 years. And waiving the point of order would require the votes of 60 Senators.

In addition, if the Social Security surplus was spent, OMB would impose automatic across-the-board cuts in discretionary and mandatory spending to restore the amount of the surplus that was spent.

I want everyone to understand that this amendment specifically protects the Medicare Program from any cuts.

The only exceptions to the lockbox would be a state of war or if we have a recession.

Some of my colleagues are probably thinking that we don't need this amendment; that the spending excesses I have outlined earlier just will not happen; that we won't spend so much, that we won't dip into Social Security. I disagree. We only need to look at our recent history to see how addicted to spending Congress really is.

If my colleagues will look at this chart, they will see how much Congress has spent on some of the appropriations bills for fiscal year 2001 according to the Senate Budget Committee. We can see Agriculture, a 26.2 percent increase over FY 2000; energy and water, 10.1 percent; Interior, 24.7 percent, Labor-HHS, 25 percent; Transportation, we spent 26.6 percent over fiscal year 2000; Treasury-Postal, 13.4 percent; and VA–HUD, a 13.5 percent increase over FY 2000. You can see, when you look at the numbers, that we have increased budget authority for nondefense discretionary spending by 14.5 percent in fiscal year 2001.

It is amazing to me. I will talk to colleagues who were here during the last 2 years and say to them: Do you realize how much we increased spending? Some of them seem to be shocked that we increased spending 14.5 percent. When I go home and tell people in Ohio that this is what Congress did, they think it is incredible. They just cannot believe it.

I have said to them on many occasions, if I had spent money as mayor, as commissioner, as Governor of Ohio the way we have here in the Senate, they would have run me out of office. They would have literally sent me home.

What are we going to do? What we need to do is wall in Congress. And by ''wall in,'' I mean we are not going to spend Social Security and we are not going to increase taxes, we are going to live within our means.

It is very important that we face up to this reality. My recommendation to my colleagues is that we ought to get out the Defense and the Labor-HHS bills and bring them to the floor now and not wait until the very end as we did last year for the pork-athon.

We have to live within the budget we have. I know that if we keep going one appropriation after another, say we do 11 of them and wait until the very end of the fiscal year for the last 2, we are going to have the same situation we had last year. It is time we got those 13 appropriations bills on the table simultaneously and looked at them with the administration and indicate how much we intend to spend overall—5 percent, or maybe at 6 percent, whatever it is, but work it out so that we don't end up with this great train wreck at the end of this year as we did last year.

I implore my colleagues, the best way we can help our budgetary situation is to formally lockbox the Social Security surplus, simply take it out of the spending equation. It is the best thing we can do relative to our economy.

I realize we have a number of pressing needs facing our Nation. Agriculture is one of them. One of the things about which I have always felt good was even though I am from Cuyahoga County, a big urban county, I was referred to as ''the agri-Governor.'' I am interested in agribusiness. I care about my farmers and I have spent a great deal of time with them. I want them to have that $5.5 billion. I want them to have it now and they can have it now if we can get an agreement with our colleagues from the other side of the aisle.

Let's get it done. Let's not go home and not have it done and have it disappear when the OMB or CBO comes out with their numbers.

I support a strong defense. I support education. However, the money to pay for whatever increases Congress makes to these and other programs has to come from somewhere. We either prioritize our spending or we take the easy way out and reduce the Social Security surplus.

That had happened for 30 years before I came to the Senate. It was not until 1999 that we stopped using the Social Security surplus to subsidize the spending by Congress and by the administration.

I am asking this body to put their money where their mouth is. If my colleagues do not want to spend the Social Security surplus, then I urge them to join me in support of this lockbox amendment.

Before I ask for the amendment to be read, I would like to make one other point in regard to the discussion prior to my speaking that I heard relating to the Transportation bill.

I was one of the Senators who stuck around here last Friday until the very end to find out what would happen. I had an event in Cleveland to which I had to go, but I did not go because I really thought it was important that we get some dialog between Members of the Senate in regard to that Transportation bill and the provision of it that deals with truck traffic coming out of Mexico.

I sincerely believed that that legislation interfered with NAFTA and that we ought not to be doing that in the Transportation appropriations bill. I believed it was wrong. I believed my colleagues from the other side of the aisle should have sat down with Senator MCCAIN and Senator GRAMM of Texas and worked out some language that was satisfactory to the Senate and to the President of the United States and which did not violate the NAFTA agreement.

I would like to read an editorial from the Cleveland Plain Dealer, the largest newspaper in Ohio, which I think really captures what happened here last Friday. The title of the editorial is: ''Protectionism in High Gear.''

The Democrat-controlled Senate, with the help of enough Republicans to block a filibuster, decided last week that equal protection under the law doesn't apply to Mexico under NAFTA.

Beneath a veneer of safety concerns, the Senate refused to eliminate the trade barriers that keep Mexican trucking companies from carrying freight beyond a 20-mile border zone, no matter that among their fleets are some of the most modern, best-equipped trucks on any nation's roads.

It's a witches' brew of protectionist politics disguised as precaution, fueled by the demands of organized labor, that gives off a stench of old-fashioned ethnic prejudice. What's more, it invites a trade war of retaliation, should Mexico decide to close its borders to U.S.-driven imports. Combined with an even harsher House-passed version incorporated in the Department of Transportation appropriations bill, it invites a veto by President George W. Bush.

No one supporting Mexico's rights under the North American Free Trade Agreement ever has argued that American roads should be opened to unsafe vehicles. But in the years since NAFTA was passed, Mexico has made giant strides to improve its fleets. Some of its largest trucking companies now have rigs whose quality surpasses those of American companies.

But safety is little more than a stray dog in this fight. What this is about is the $140 billion in goods shipped to the United States from Mexico each year, and the Teamsters Union's desire that its members keep control of that lucrative trade.

Labor—which documents gathered in a four-year Federal Elections Commission probe show has had veto power over Democratic Party positions for years—has never accepted the benefits of expanded hemispheric trade. It has been adamant in its opposition to allowing Mexican trucks, no matter how modern the equipment or well-trained the drivers, access to U.S. highways.

It was this opposition that kept President Bill Clinton from implementing the agreement, and it is this opposition that yet drives labor's handservants, who now control the Senate.

This position should be an embarrassment to a party that makes a show of its concerns for the poor and downtrodden. It is a setback to U.S.-Mexican relations, and an insult to Mexico's good and earnest efforts to improve relations with its northern neighbor. It is an abrogation of our treaty responsibilities, and it must not be allowed to stand.

At least from the perspective of Ohio's largest newspaper, looking in on what happened last Friday is a pretty good indication how many Americans feel about what happened last week. It wasn't some effort to delay the Transportation bill but a legitimate concern on the part of many people in the Senate that we sit down and try to work out language that would guarantee safe trucks in the United States, the safety of the people in the United States of America, and at the same time guarantee that we not violate the NAFTA agreement.

AMENDMENT NO. 1209

Mr. VOINOVICH. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH] proposes an amendment numbered 1209.

Mr. VOINOVICH. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect the social security surpluses by preventing on-budget deficits)

At the appropriate place, insert the following:

SEC. ___. PROTECT SOCIAL SECURITY SURPLUSES ACT OF 2001.

(a) SHORT TITLE.—This section may be cited as the ''Protect Social Security Surpluses Act of 2001''.

(b) REVISION OF ENFORCING DEFICIT TARGETS.—Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 903) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) EXCESS DEFICIT; MARGIN.—The excess deficit is, if greater than zero, the estimated deficit for the budget year, minus the margin for that year. In this subsection, the margin for each fiscal year is 0.5 percent of estimated total outlays for that fiscal year.'';

(2) by striking subsection (c) and inserting the following:

''(c) ELIMINATING EXCESS DEFICIT.—Each non-exempt account shall be reduced by a dollar amount calculated by multiplying the baseline level of sequesterable budgetary resources in that account at that time by the uniform percentage necessary to eliminate an excess deficit.''; and

(3) by striking subsections (g) and (h).

(c) MEDICARE EXEMPT.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 253(e)(3)(A), by striking clause (i); and

(2) in section 256, by striking subsection (d).

(d) ECONOMIC AND TECHNICAL ASSUMPTIONS.—Notwithstanding section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(j)), the Office of Management and Budget shall use the economic and technical assumptions underlying the report issued pursuant to section 1106 of title 31, United States Code, for purposes of determining the excess deficit under section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by subsection (b).

(e) APPLICATION OF SEQUESTRATION TO BUDGET ACCOUNTS.—Section 256(k) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(k)) is amended by—

(1) striking paragraph (2); and

(2) redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(f) STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.—

(1) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

''(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.''.

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(3) ENFORCEMENT IN EACH FISCAL YEAR.—The Congressional Budget Act of 1974 is amended in—

(A) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking ''for the fiscal year'' through the period and inserting ''for each fiscal year covered by the resolution''; and

(B) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with ''for the first fiscal year'' through the period and insert the following: ''for any of the fiscal years covered by the concurrent resolution.''.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to fiscal years 2002 through 2006.

Mr. VOINOVICH. I apologize to the majority leader for taking more time than I expected. I hope he will forgive me.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second for the yeas and nays.

Mr. DASCHLE. Will the Senator from Ohio yield for a unanimous consent request at this time?

Mr. VOINOVICH. Yes, I yield.

The PRESIDING OFFICER. The majority leader.

ORDERS FOR WEDNESDAY, AUGUST 1, 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, August 1. I further ask unanimous consent that on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Agriculture supplemental authorization bill.

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

PROGRAM

Mr. DASCHLE. Mr. President, on Wednesday the Senate will convene at 9:30 a.m. and resume consideration of the Agriculture supplemental authorization bill. To ensure that all of our colleagues are given adequate notice, I will make the motion to proceed to the reconsideration of the Transportation appropriations bill, the bill that the distinguished Senator from Ohio has just been addressing. We will do that tomorrow at 9:30. There will be the likelihood of more than one vote. That will begin at 9:30, and we will stay on the bill for whatever length of time it takes.

If cloture is invoked, it is my intention to complete our work on the bill. If necessary, we will stay through the night, and we will be in session. We will not have the opportunity to go out, but we will take that into account tomorrow morning.

My hope is we can complete our work on the bill, and that we can also take up the HUD–VA bill at an appropriate time. That will be the schedule tomorrow.

I thank the Senator from Ohio for yielding.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, the distinguished Senator from Ohio had asked for the yeas and nays on his amendment. We are prepared to again pose the question.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now stand in a period of morning business, with Senators allowed to speak therein for a period of up to 10 minutes each.

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

THE NOMINATION OF MARY SHEILA GALL TO BECOME CHAIRWOMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION

Mr. BIDEN. Mr. President, I rise today to express my serious concerns about the President's nominee to Chair the Consumer Product Safety Commission, Mary Sheila Gall.

The Consumer Product Safety Commission was created nearly 30 years ago with the mission of protecting our families from consumer products that pose serious health or safety risks. The Commission serves as the consumer advocate for our Nation's children, protecting them from potentially dangerous, and in some cases deadly, products. In short, the Commission is charged with saving lives, and it has done so with great success over the past several years. This success is based primarily on the advocacy role that the Commission has assumed in fulfilling its duties for America's families and children. And it is Ms. Gall's apparent opposition to this advocacy role that has given me serious concerns about her nomination.

As a Commissioner for the past ten years, Ms. Gall has opposed reasonable attempts to review questionable products and implement common sense protections for consumers. Perhaps the most troubling example of this trend has been Ms. Gall's record on fire safety issues. Ms. Gall opposed a review of upholstered furniture flammability and small open flame ignition sources, such as matches, lighters, and candles. In opposing the review, she stated that ''. . . the benefits from imposing a small open flame ignition standard on upholstered furniture are overestimated.''

With all sincerity, I doubt that the brave men and women who risk their lives every day fighting house fires in Delaware and throughout the Nation would agree with that assessment. Nor would they agree with Ms. Gall's decision to walk away from fire safety standards for children's sleepwear. In 1996, Ms. Gall voted to weaken fire safety standards that required children's sleepwear to be made from flame-resistant fabrics. Ms. Gall joined another commissioner in exempting from this standard any sleepwear for children less than nine months old, and any sleepwear that is tight-fitting for children sizes 7–14. I support the original standard, which worked for more than two decades before it was weakened by the Commission. And I have cosponsored legislation with my former colleague from Delaware, Senator Bill Roth, that called on the Commission to restore the original standard that all children's sleepwear be flame-resistant.

But it's not just her record on children's sleepwear and fire safety issues that concerns me about Ms. Gall. She has turned her back on children and families on a number of occasions, rejecting moderate, common-sense warnings and improvements dealing with choking hazards, bunk bed slats, and crib slats. In some of these cases, Ms. Gall has even opposed efforts to merely review questionable products, to mention nothing about imposing regulatory standards to correct any potentially dangerous problems. For instance, Ms. Gall opposed a safety review of baby walkers that, according to the Commission, were associated with 11 child deaths between 1989 and 1994, and as many as 28,000 child injuries in 1994, alone.

This safety review brought to light ways to produce walkers that were safer for children, which were then used by manufacturers to develop a voluntary standard for producing a safer product. This voluntary standard was applied within the industry, and a media campaign followed to educate parents about the new, safer walkers that were entering the marketplace. The Commission has estimated that since the review process took place in 1995, injuries related to baby walkers dropped nearly 60 percent for children under 15 months of age, from an estimated 20,100 injuries in 1995 to 8,800 in 1999.

These statistics are proof that the Commission's role as child advocate produces results. But if Ms. Gall had her way, we would not have had a review of baby walkers at all. And without this review, it is unlikely we would have had the important voluntary standards that have protected thousands of children. If Ms. Gall is unwilling to even take the first step in reviewing potentially dangerous products, I question whether we can expect her to fulfill the Commission's responsibility as the Nation's child advocate.

I do not make this decision to oppose Mary Sheila Gall's nomination lightly. I have long recognized that the President should generally be entitled to have an administration comprised of people of his choosing. While his selections should be given considerable deference, that power is nonetheless limited by the duty of the United States Senate to provide ''advice and consent'' to such appointments.

Throughout my tenure in the Senate, I have supported countless nominees for Cabinet and other high-level positions, including many with whom I have disagreed on certain policies. But I have also cast my vote against confirmation when I have become convinced that the nominee is not suitable to fill the role to which the person was nominated. I have reluctantly reached the conclusion that this is one such case. It is one thing to serve as a commissioner, as Ms. Gall has done these past ten years. But serving as chair of this important Commission is a very different role. As such, I strongly urge my colleagues on the Senate Commerce Committee to oppose Ms. Gall's nomination as Chairwoman of the Consumer Product Safety Commission. To put it simply, there is nothing less than children's lives at stake.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 8, 1994 in Reno, NV. A gay man, William Douglas Metz, 36, was stabbed to death. A self-proclaimed skinhead, Justin Suade Slotto, 21, was charged with murder. Slotto allegedly went to a park with the intent of assaulting gays.

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.

ECONOMIC AND POLITICAL DIFFICULTIES IN TURKEY

Mr. SARBANES. Mr. President, as my colleagues are well aware, the people of Turkey, a NATO ally, are experiencing extremely serious economic and political difficulties.

On April 10, 2001, at the Bosphorous University in Istanbul, Turkey, our distinguished former colleague in the House of Representatives, the Honorable John Brademas, delivered a most thoughtful address, on this subject, ''Democracy: Challenge to the New Turkey in the New Europe.'' Dr. Brademas' speech was sponsored by TESEV, the Turkish Economic and Social Studies Foundation. Its contents some four months later still resonate with timely wisdom and creative analysis.

A long-time and effective advocate of democracy and transparency, John Brademas served for 22 years, 1959-1981, in the House of Representatives from Indiana's Third District, the last four as House Majority Whip. He then became President of New York University, the Nation's largest private university, in which he served for 11 years, 1981-1992. He is now president emeritus.

Among Dr. Brademas' involvements include Chairman of the Board of the National Endowment for Democracy, NED, from 1993–2001, and founding director of the Center for Democracy and Reconciliation in Southeast Europe. Located in Thessalonike, Greece, the Center seeks to encourage peaceful and democratic development of the countries in that troubled region of Europe.

I believe that Members of the Senate and the House of Representatives and other interested citizens will read with interest Dr. Brademas' significant discussion of the challenge of creating a truly more open and democratic Turkey. I ask unanimous consent to print Dr. Brademas' address in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMOCRACY: CHALLENGE FOR THE NEW TURKEY IN THE NEW EUROPE

I count it an honor to have been asked to Istanbul to address a forum sponsored by the Turkish Economic and Social Studies Foundation, and I thank my distinguished host, Ambassador Özdem Sanberk, Director of TESEV, for his gracious invitation even as I salute the invaluable work performed by TESEV in promoting the institutions of civil society and democracy in Turkey.

So that you will understand the perspective from which I speak, I hope you will permit me a few words of background.

In 1958, I was first elected to the Congress of the United States—the House of Representatives—where I served for 22 years.

During that time I was particularly active in writing legislation to assist schools, colleges and universities; libraries and museums; the arts and the humanities; and services for children, the elderly, the handicapped.

A Democrat, I was in 1980 defeated for reelection to Congress in Ronald Reagan's landslide victory over President Jimmy Carter and was shortly thereafter invited to become President of New York University, the largest private, or independent, university in our country, a position I held for eleven years.

If I were to sum up in one sentence what I sought to do at NYU during my service as President, it was to lead the transformation of what had been a regional-New York, New Jersey, Connecticut-commuter institution into a national and international residential research university.

And I think it's fair to say that that transformation took place, thanks in large part to philanthropic contributions from private individuals, corporations and foundations.

Although no longer a Member of Congress or university president, I continue to be active in a range of areas, only a few of which I shall mention.

By appointment of President Clinton in 1994, I am Chairman of the President's Committee on the Arts and the Humanities, a group of 40 persons, 27 from the private sector and 13 heads of government departments with some cultural program. Our purpose is to make recommendations to the President—and the country—for strengthening support for these two fields in the United States—and we have done so. Four years ago, then First Lady of the United States, and Honorary Chair of the Committee, Hillary Rodham Clinton, and I released Creative America, a report to the President with such recommendations.

Among them was that the United States give much more attention to the study of countries and cultures other than our own, including strengthening international cultural and scholarly exchanges. Only last Fall, I took part, at the invitation of the then President, Bill Clinton, in the White House Conference on Culture and Diplomacy, at which these ideas, and others, were discussed, and I have urged the new Secretary of State, Colin Powell, to consider ways of implementing them.

Several days ago, in Washington, I attended a meeting of the Advisory Board of Transparency International, the organization that combats corruption in international business transactions, to talk about how to expand the OECD Convention outlawing bribery of foreign public officials to include outlawing bribery of officials of political parties.

NATIONAL ENDOWMENT FOR DEMOCRACY

And last January I stepped down after eight years as Chairman of what is known in the United States as the National Endowment for Democracy.

Since its founding in 1983, the National Endowment for Democracy, or NED, as we call it, has played a significant role in championing democracy throughout the world.

The purpose of NED is to promote democracy through grants to private organizations that work for free and fair elections, independent media, independent judiciary and the other components of a genuine democracy in countries that either do not enjoy it or where it is struggling to survive.

Two years ago, in New Delhi, India, I joined some 400 democratic activists, scholars of democracy and political leaders from over 85 countries brought together by NED for the inaugural Assembly of the World Movement for Democracy.

The establishment of this World Movement is inspired by the conviction that interaction among like-minded practitioners and academics on an international scale is crucial in the new era of global economics and instant communications. The Movement, we hope, can help democrats the world over respond to the challenges of globalization.

Indeed, last November, Ambassador Sanberk and I were together in Sao Paulo, Brazil, for the Second Assembly of the World Movement for Democracy.

CENTER FOR DEMOCRACY AND RECONCILIATION IN SOUTHEAST EUROPE

And I have been involved in yet another initiative related to strengthening free and democratic political institutions. Four years ago, a small group of persons, chiefly from the Balkans, decided to create what we call the Center for Democracy and Reconciliation in Southeast Europe. The Center officially opened its offices one year ago in the city of Thessaloniki, birthplace, as you all know, of the great founder of the Turkish Republic, Mustafa Kemal Atatürk. I was pleased that my friend, the distinguished Turkish business leader, Mr. Sarik Tara, was with us on that occasion.

The Center is dedicated to building networks among individuals and groups working for the democratic and peaceful development of Southeast Europe.

Chairman of the Board is a respected American diplomat, Matthew Nimetz, who was Under Secretary of State with Cyrus Vance and is Special Envoy for United Nations Secretary-General Kofi Annan to mediate between Athens and Skopje. The Center's Board is composed overwhelmingly of leaders from throughout Southeast Europe, including Mr. Osman Kavala and Dr. Seljuk Erez of Turkey. Ambassador Nimetz and I are the only two Americans on the Board.

Although the Center is administratively headquartered in Salonika, which, with excellent transportation and communications facilities, is easily accessible from throughout the region, the activities of the Center are carried out in the several countries of Southeast Europe.

Last September, the Board of the Center met here in Istanbul where Mr. Tara and other Turkish leaders graciously received us.

Indeed, I arrived in Istanbul only last Sunday after a meeting of the Center's Board this past weekend in Thessaloniki. We had originally planned to gather in Skopje but you will understand why we changed the venue!

What are we doing at the Center? Here are some of our current projects:

JOINT HISTORY PROJECT

The Center's inaugural program is a ''Joint History Project,'' which brings together professors of Balkan history from throughout the region to discuss ways in which history is used to influence political and social relations in Southeast Europe. The scholars seek to produce more constructive, less nationalistic, history textbooks and thereby ultimately enhance the understanding of, and respect for, the peoples of the region for each other—a daunting challenge, we realize!

For it is evident in the Balkans that how history is taught can powerfully shape the attitudes of people toward those different from themselves. Even as the violence plaguing this region has roots in nationalist, religious and ethnic prejudices, cultivated, in many cases, by and based on distortions of histories, the accurate teaching of history can be crucial in promoting tolerance and peace.

An Academic Committee, established by the Joint History Project, encourages exchange among scholars in participating educational institutions. We on the Center Board hope the Committee will establish a network among academics in Southeast Europe as counterweight to existing nationalistic groups within each country. So far we have organized two seminars for young scholars and another two are being arranged.

The Center's History Project has also begun to work with the Stability Pact for Southeastern Europe, initiated by the European Union and supported by the United States and other non-EU countries in Europe. The mission of the Pact is to extend democracy and prosperity to all the peoples of Southeast Europe. So far, the participating governments have pledged $2.4 billion for the initiative.

I must also cite the Center's Young Parliamentarians Project which, through a series of seminars, enables young MPs from Southeast Europe to join parliamentarians from Western Europe and the European Parliament as well as professionals, economists and journalists to discuss issues of urgent and continuing concern in the region.

The Center last year conducted four seminars on such subjects as the workings of parliamentary democracy, the relationship between politics and the media, the operation of a free market economy, and the organization of political parties.

This year, in another project, the Center is sponsoring seminars on reconciliation in the former Yugoslavia. Serbs and Croats have already met in Belgrade and will meet again next month in Zagreb. And representatives of the other peoples of the former Yugoslavia will soon meet.

All the projects I have cited promote, by creating cross-border contacts and stimulating dialogue, the economic, social and political development of the Balkans. Our goal, to reiterate, is to encourage vibrant networks of individuals and groups with common interests and experiences.

I hope I have made clear, from what I have told you, that in my own career, as a Member of Congress, university president and participant in a range of pro bono organizations, I have been deeply devoted to the causes of democracy, free and open political institutions and encouraging knowledge of and respect for peoples of different cultures and traditions.

Against this background, I want now to talk with you about the great challenge, as I see it, facing what I call ''the new Turkey in the new Europe''—and that challenge is democracy.

So that you can better understand my viewpoint, I must tell you one other factor in my own experience that I believe relevant to my comments.

GREECE, CYPRUS, AND TURKEY

As some of you know, my late father was born in Greece, in Kalamata, in the Peloponnesus. My late mother was of Anglo-Saxon ancestry.

I was the first native-born American of Greek origin elected to the Congress of the United States, and I am proud of my Hellenic heritage.

In 1967, however, when a group of colonels carried out a coup in Greece, established a military dictatorship, later throwing out the young King, I voiced strong opposition to their action.

I refused to visit Greece during the seven years the colonels ruled, refused invitations to the Greek Embassy in Washington and testified in Congress against sending U.S. military aid to Greece.

My view was that as Greece was a member of NATO, established to defend democracy, freedom and the rule of law, of all of which goals the colonels were enemies, I had as a matter of principle to oppose sending arms from my own country to the country of my father's birth.

In like fashion, when in 1974, the colonels attempted to overthrow Archbishop Makarios, the President of Cyprus, triggering their own downfall and sparking two invasions by Turkish armed forces, equipped with weapons supplied by the United States, I protested the Turkish action, again on grounds of principle.

For the Turkish invasion violated U.S. legal restrictions on the use of American arms, namely, that they could be utilized solely for defensive purposes.

Because American law mandated that violation of such restrictions would bring an immediate termination of any further arms to the violating country and because Secretary of State Kissinger willfully refused to enforce the law, we in Congress did so by legislating an arms embargo on Turkey.

I can also tell you that when my colleagues in Congress and I who called on Kissinger in the summer of 1974 to press him to take the action required by law, we reminded him that the reason President Nixon, who had just resigned, was constrained to do so was that he had failed to respect the laws of the land and the Constitution of the United States.

So even as I opposed U.S. military aid to Greece in 1967 on grounds of principle, I opposed U.S. arms to Turkey in 1974 on grounds of principle. You may not agree with my viewpoint on either matter but I want you to understand it!

A NEW DEMOCRATIC TURKEY?

Yet I would not be here today if I did not believe in the prospect of a new, democratic Turkey, belonging to the new Europe, a member of the European Union and a continuing ally of the United States.

I am well aware that Turkey is now confronted with a profound financial and economic crisis, ''the most severe economic crisis of its history,'' the Chairman of TÜSIAD, Mr. Tuncay Özihlan, told a group of us in New York City last month at a meeting with members of the Turkish Industrialists' and Businessmen's Association. It is a crisis that reaches all parts of the nation.

If I have one thesis to advance tonight, it is this: That the combination of three factors make this moment one of great opportunity for fundamental reform of the Turkish political system and significant advance in the quality of life of the Turkish people.

The first factor is the economic crisis. The distinguished Turkish economist, Mr. Kemal Dervis, has, as you know, been charged with recommending structural reforms essential if Turkey is to win assistance from the International Monetary Fund, the United States and other actors in the international financial community.

Most obvious in this respect is the situation of Turkish banks, widely understood to be afflicted by corrupt links with the nation's political parties.

The second factor that can drive fundamental reform in Turkey and bring the country into the modern world is Turkey's candidacy for accession to the European Union.

Beyond the economic crisis and Turkish candidacy for entry into Europe, there is a third factor that can make this the time to start building a new Turkey in the new Europe.

I speak of the rising engagement in pressing for democracy of the leaders of Turkish business and industry, of your universities, of the media, and leaders of the other institutions of what we call civil society.

So where are we now?

TURKEY AND THE EUROPEAN UNION

First, we can be encouraged by the approval last month by the Turkish cabinet of the National Program for Adoption to the Acquis of the European Union, or NPPA.

In my view, Turkish leaders of all parties should agree to confront the problems resolution of which is necessary to Turkish entry into Europe.

And if Turkish responses are only cosmetic, as Günter Verheugen, the European Commissioner in charge of enlargement, has made clear, the candidacy will fail. Verheugen has reminded Turkish leaders that the European Council in December 1999 in Helsinki stated, ''Turkey is a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states.''

I add that Turkey should deal with these obstacles not solely to meet the so-called Copenhagen requirements for EU membership but also because such action will be in the interest of the people of Turkey.

What has impressed me greatly as I prepared for this visit to Istanbul is the deep commitment of so many Turkish leaders, especially in business and industry and in the universities, to the economic and political reform of this great country.

What are the requirements Turkey must meet to enter Europe?

Let me here remind you of the eloquent words of TESEV's respected Director, Özdem Sanberk, only a few weeks ago (''It's Not the Economy, Stupid!'' Turkish Daily News, February 28, 2001).

Commenting on the clash last February between Prime Minister Bulent Ecevit and President Ahmet Necdet Sezer, Ambassador Sanberk said: ''. . . You cannot reform the economy root and branch without an equally radical reform of the political system. . . .

''. . . [O]nly comprehensive political reform can create the stability . . . required for long-term economic success.''

The Ambassador then criticized the Government's failure to undertake radical structural reform, to ''plug the leaks in the state-owned banks, through which billions of dollars of public money have poured. . . . No crackdown on curruption in the highest places. No lifting of cultural restrictions on freedom of expression. No reform of the Political Parties Law, which might transform our parties into something more useful than closed clubs dominated by their leaders. No serious effort to change a constitution which does not meet the needs of the age. . . .

''. . . The problems that lie at the root of Turkey's current difficulties are political, not economic and political reform can solve them. . . .''

LEADERSHIP OF TÜSIAD

I find encouragement, too, at the positions taken by the leadership of TÜSIAD, Turkey's major business and industrial organization.

Indeed, only a few days ago, in New York City, I had the privilege of meeting several members of TÜSIAD, including its distinguished chairman, Mr. Özihlan.

I said then, and repeat here, that I have been deeply impressed by the high quality of the reports published by TÜSIAD and by the obvious commitment of so many leaders of Turkish business and industry to the principles of democracy and human rights, freedom of enterprise, freedom of belief and opinion.

As Muharrem Kayhan, President of TÜSIAD's High Advisory Council, who was also in New York last month, has said, ''The requisites of EU membership are exactly what Turkey needs. . . .

''. . . TÜSIAD believes that fully adopting the Copenhagen Criteria will benefit our country. We think that the fears expressed about the possible damages Turkey might suffer if its special conditions are not taken into account are exaggerated.

TÜSIAD . . . consistently calls for a thoroughgoing political reform for quite a long time. We firmly believe that unless we change Turkey's political system, efforts to modernize our economy will be in vain. To that end we join the President of the Republic Ahmet Necdet Sezer, in calling for a reform of the constitution and the rewriting of the Political Parties Law and the Electoral Law.'' (TÜSIAD)

This commitment to democracy, freedom of opinion, free market economy, a pluralistic society, clean politics, social development and the rule of law is, I have observed, one that runs through TÜSIAD's several studies and reports directed to the problems that face Turkey.

Not only does TUSIAD call for action to meet the Copenhagen criteria but do does a wide range of scholars, analysts and officials from Turkey itself as well as from other countries.

Deputy Prime Minister Mesut Yilmaz last month, in speaking of the cabinet approval of the NPPA, said that Turkey must give top priority to ensuring freedom of speech, cracking down on torture, reviewing the death penalty and offering more freedom of organization for trade unions.

So what else must be done for Turkish entry into Europe?

The European Union has also called on Turkey to grant full cultural rights to all minorities, including allowing Turkish citizens to speak whatever language they like. After all, millions of the over 65 million people of this country speak Kurdish. Why is it not possible to respond to their desire for a degree of cultural freedom?

I was present in New York City when your Foreign Minister, Ismail Cem, and the Greek Foreign Minister, George Papandreou, were both honored at a dinner, a symbol of a reapprochement between Turkey and Greece in recent months triggered by the response in each country to earthquakes in the other.

THE CYPRUS ISSUE

Here again, I have been impressed by how both Turkish and Greek business leaders seem to be able to communicate effectively with each other, yet another example of the significant contribution that institutions of civil society can make to encouraging peaceful resolution of conflict in this troubled part of the world.

And, of course, Europe wants to see progress in resolving the thorny issue of Cyprus. With respect to Cyprus, I could make an entire speech tonight but I won't!

Let me say that it must be obvious that both Greek and Turkish Cypriots perceive a problem of security, both are unhappy with the present situation and both would like to improve their political and economic conditions by entering the European Union. Turkish Cypriots, moreover, have an acute economic problem, with less than a fifth of the $17,000 per capita GDP annually of the Greek Cypriots.

Clearly Turkish Cypriots would be the net beneficiaries of entry into Europe but this gain will come only if Cyprus is admitted as a single federal state, bi-zonal and bi-communal.

Accordingly, if Turkish Cypriots are not to continue to be left behind, economically and politically, the only sound answer is for Turkey and the Turkish Cypriots to accept the United Nations Security Council resolutions calling for such a settlement.

For as The Economist has written, Cyprus represents ''the main block of Turkey's hope of joining the European Union in the near future.''

I turn to another matter that is clearly of concern to the European Union, the role of the armed forces in the political system of Turkey.

Now, of course, for decades, the principal link between the United States and Turkey has been strategic, specifically, military. In light of the geographical location of Turkey, the size of its armed forces and its population, such a relationship should not be surprising. Turkey is a major actor on nearly every issue of importance to the United States in this part of the world, including NATO, the Balkans, the Aegean, Iraqi, sanctions, relations with the states of the former Soviet Union, turmoil in the Middle East and transit routes for Central Asian oil and gas.

THE ROLE OF THE MILITARY IN TURKISH POLITICS

Yet it must be obvious to any thoughtful observer that of particular importance in opening the doors to Europe for Turkey is that steps be taken to curb the influence of the military in politics.

I am certainly aware of the respect and admiration the Turkish people have always had for their armed forces. Nonetheless, any serious student of the place of the military in Turkish life learns very quickly that its role extends far beyond defense of the security of the Republic.

Here, rather than using my own words, let me cite those of a distinguished Turkish journalist, Cengiz Candar:

''Unlike Western armies, the Turkish military is politically autonomous and can operate outside the constitutional authority of democratically elected governments. It can influence the government both directly and indirectly, controlling politicians according to its own ideas and maxims. . . .

''The National Security Council is the institution that really runs the country. . . . ''

''. . . [T]he military has become the power behind the scenes that runs Turkish politics. . . .

''. . . The military is able to intervene at will in politics, not only determining who can form governments, but actually exercising a veto over who can contest elections. . . .'' (''Redefining Turkey's Political Center,'' Journal of Democracy, October 1999, Vol. 10, No. 4)

A powerful analysis of the role of the military in Turkish politics is to be found in an essay published last December in the influential journal Foreign Affairs by Eric Rouleau, French Ambassador to Turkey from 1988 to 1992. (''Turkey's Dream of Democracy,'' Foreign Affairs, Vol 79, No. 6, November/December 2000)

Said Rouleau, commenting on Turkey's candidacy for the EU, ''Turkey today stands at a crossroads,'' and explains that ''The [1999] Helsinki decision [of the EU] called on Turkey, like all other EU membership candidates, to comply with the . . . Copenhagen rules [requiring] EU hopefuls to build Western-style democratic institutions guaranteeing the rule of law, individual rights, and the protection of minorities. Indeed, the EU's eastern and central European candidates adopted most of the Copenhagen norms on their own, before even knocking at the doors of the union.''

Rouleau then asserts that the Copenhagen criteria ''represent more than simple reforms; they mean the virtual dismantling of Turkey's entire state system . . . which places the armed forces at the very heart of political life. Whether Turkey will choose to change . . . a centuries-old culture and . . . practices ingrained for decades—and whether the army will let it—remains uncertain. Even EU membership, the ultimate incentive, may not be enough to convince the Turkish military to relinquish its hold on the jugular of the modern Turkish state.''

Rouleau then describes the ways in which the National Security Council (NSC) operates and notes the objections of the EU to the military's budgeting, its ownership of industries, its own court system and, above all, the military's dominance over civilian authority.

Concludes Rouleau: ''Turkey's EU candidacy has crystallized the way in which two very different visions of the country are now facing off. . . . On the one side stands the Turkey of . . . the 'Kemalist republicans,' those who see the military as the infallible interpreter of Atatürk's legacy and the sole guardian of the nation and the state. . . .

''On the other side stand . . . the 'Kemalist democrats' . . . proud of the revolution carried out by the founder of the republic eight decades ago, but a the same time . . . believe that the regime should adapt to modernity and Western norms. This group includes intellectuals . . . business circles . . . and . . . Kurds and Islamists hopeful that Brussels will ensure that their legitimate rights are recognized and guaranteed.''

TÜSIAD FOR DEMOCRATIC REFORM

What, I must tell you, seems to me a particularly significant statement about the place of the military is the following sentence, under the heading, ''Democratization and the Reform Process in Turkey,'' in the document prepared for the visit of the TÜSIAD Board of Directors to Washington, DC, and New York last month (''TÜSIAD Views on Various Issues''):

''8. National Security Council (NSC) should be eliminated as a constructional body and its sphere of activity be restricted to national defense.''

While one group of TÜSIAD leaders was in the U.S., speaking in Paris at the same time at a panel sponsored by Le Monde, was Dr. Erkut Yucaoglu, former TÜSIAD Chairman. Here are his words:

''. . . TÜSIAD has been in the forefront of the struggle for political reform in Turkey. . . . Our report on democratization challenged the most sacred tenets of the existing order in the country, be it freedom of expression of all sorts, the role of the National Security Council, or private broadcasting in all languages, or the political parties law. We have consistently defended the integration with the EU and called for a speedy implementation of the Copenhagen criteria without reference to Turkey's special conditions. . . .

''. . . It is no secret . . . that the Turkish political system as it is presently functioning is in a crisis, perhaps a terminal one. The political parties have lost the confidence of the public a long time ago. . . .

''By now, every thinking person in Turkey knows that if the country wishes to fulfill its own promise of greatness and become prosperous, the political system must change . . . .''

Dr. Yucaoglu went on to praise the President of the Republic as ''a national leader'' who enjoys ''the support of an overwhelming percentage of the population, who is committed to Turkey's European vocation. Mr. Sezer stands for the rule of law, civilian supremacy, anti-corruption, integration with the globalizing world and perhaps most important, for an unfettered democracy. . . .''

Now I am aware that I have spoken to you very candidly about the challenges—and opportunities—Turkey faces as your country moves into the 21st century.

You will observe, however, that most of the voices I have cited that are pressing for reform in Turkey are Turkish!

I certainly don't want to suggest that we in the United States have a perfect political system. As you know, far too few of our eligible citizens bother to vote, and the scramble for money to finance our political campaigns is an ongoing threat to the integrity of American democracy. Even now, Congress is acting on measures to reform campaign financing.

Moreover, as you are all aware, the Presidential election in my country last year was finally determined by our Supreme Court in a decision that has caused leaders of both our Democratic and Republican Parties to call for reform of our election laws.

I have noted that the election of President Sezer seems to be regarded by Turkish champions of democracy as a great victory. Like the leaders of TESEV and TSIAD, I have also been impressed by President Sezer's commitment to the rule of law and to rooting out corruption, and by all accounts, President Sezer has won the confidence of over 80% of the citizens of Turkey.

I have said that the combination of the current economic crisis, Turkish candidacy for entry into the European Union and the increasing influence of the leaders of civil society make this a moment of extraordinary opportunity for the people of Turkey.

So now let me say some words about civil society.

CIVIL SOCIETY AND DEMOCRACY

What do we mean by the term?

Civil society is the space that exists between, on the one hand, the state—government—and, on the other, individual citizens. This space is where citizens act with one another through non-governmental organizations (NGOs), foundations, and independent media

For as I am sure you will agree the state cannot—and should not—in any country do everything.

Indeed, I believe it significant that last year German Chancellor Gerhard Schröder, as you know, a Social Democrat, declared:

''One of the great illusions of Social Democratic policies has been the idea that 'more state' guarantees more justice. However, providing or even extending the 'classical' means of state intervention—law, power, and money—can no longer be considered sufficient solutions for a society where movement 'has become as important as regulation' (Alain Touraine). . . .''

Added Schröder, ''Subsidiarity, giving responsibility back to those who are willing and capable of assuming this responsibility, should not be understood as a gift from the state, but, rather, as a socio-political necessity.'' (''The Civil Society Redifining the Responsibilities of State and Society,'' Die neue Gesellschaft, No. 4, April, 2000, Frankfurt.)

For the health of democracy, then, we must strengthen the institutions of civil society.

FOUNDATIONS IN TURKEY

What is the state of civil society in Turkey today, on non-governmental organizations, or as we say, NGOs?

Now I do not pretend to be an expert on NGOs in Turkey. But I understand that there are some 75,000 private associations registered in Turkey including more than 10,000 nonprofit foundations. Some foundations make charitable donations to NGOs and individuals; others are so-called ''operating foundations'' which provide social services and support education and research. (''Human Rights and Turkey's Future in Europe,'' by Aslan Gunduz, Orbis, Vol. 45, No. 1, Winter 2001, p. 16.)

Of these 10,000 foundations, nearly half were started in only the last 30 years.

Of course, Turkey has a long history of philanthropic foundations. During the Ottoman Empire, many of the services the state now provides, in health care, education and city-planning, were financed by foundations. (Davut Aydin, unpublished book chapter.)

I am sure that you here can tell me how NGOs gained a new prominence in Turkey through their effective relief work after the earthquake.

But you also know that NGOs have often faced intense scrutiny, and sometimes harassment, from the government. So I cannot emphasize enough the importance of philanthropic support from the business community in sponsoring NGO activities.

Last year, by the way, I delivered a speech in Athens in which I sharply criticized the Greek law that imposes a 20% tax on philanthropic contributions, reduced by half in the December 2000 budget but still an anomaly in a land that gave us the word philanthropia.

I hope that Turkish law will include further incentives to create foundations and expand the services they provide.

NATIONAL ENDOWMENT FOR DEMOCRACY IN TURKEY

I can also tell you that the National Endowment for Democracy, which, as I have said, I chaired for several years, has supported several non-governmental organizations in Turkey. I'll say something about a few to illustrate the kinds of civil society groups—and their activities—that contribute to a strong democracy:

First, I note that the Center for the Research of Societal Problems, (TOSAM), founded by Professor Dogu Ergil, has been a NED grantee since 1997.

An NGO called the Foundation for Research of Societal Problems (TOSAV) was established in 1996 to explore possible solutions to the Kurdish issue. After TOSAV published a Document of Mutual Understanding on possible peaceful solutions, TOSAV's founders were brought to trial at State Security Court and the document was banned.

To continue their work, TOSAV members established TOSAM, which produces Democracy Radio, broadcasting bi-weekly programs on such themes as democracies and minorities, the role of the media in a democracy, and the relationship between central and local government.

The Helsinki citizens' Assembly—Turkey (HCA—Turkey) has been a NED grantee since 1997.

Founded in 1990, HCA is an international coalition that works for the democratic integration of Europe and on conflict resolution in the Caucasus and the Middle East. HCA—Turkey was established by jurists, human rights activists, mayors, trade unionists, journalists, writers and academics.

HCA brings together representatives of civil society organizations from different cities, legal experts, academics and representatives of municipalities to develop and advocate an agenda for reform of the law governing NGOs in Turkey.

Women Living Under Muslim Law—Turkey (SLUML—Turkey) has been a recipient of NED grants since 1995. Founded in December 1993, this NGO provides information and advice to women's organizations throughout the country. WLUML-Turkey sponsors a project to train social workers, psychologists and teachers from community centers throughout Turkey in conducting legal literacy group sessions for women.

An active civil society, then, provides a check on a powerful state. For in a genuine democracy, non-governmental associations have the responsibility of keeping a close eye on the operations of government. So you and I know that if governments, in order to discourage or eliminate criticism, seek to crush free and independent newspapers, radio and television, or to control NGOs, democracy will be gravely weakened.

EDUCATION CRUCIAL TO FUTURE OF TURKEY

It will not surprise you, given my history in Congress and as a university president, that I believe a key ingredient of civil society, fundamental to the success of democracy and a modern economy, is education.

Certainly, education is crucial to the future of Turkey, where 30% of the population is below the age of 15! (''EU-Turkey Relationship: Less Rhetoric, More Challenges,'' by Bahadir Kaleagasi, Private View, No. 9, Autumn 2000, p. 22.)

Although I am a strong champion of both state and private support of education, I must note the growth in recent years of private universities in Turkey. As one who helped raise nearly $1 billion in private funds for New York University, I am impressed that several of your private universities have been founded with the generous support of Turkish business leaders. I think here particularly of Bilkent University, Sabanci University and Koc University.

I add that I have myself accepted the invitation of one of Turkey's outstanding business leaders, Mr. Rahmi Koc, to serve on the Board of Friends of Koc University, an American foundation chaired by the respected Turkish-American founder of Atlantic Records, and a good friend, Mr. Ahmet Ertegun, even as I have agreed to serve on the Board of Anatolia College in Thessaloniki. And I am pleased that these two institutions are cooperating in a joint training program.

These universities also make an important contribution to emerging civil society in Turkey. Founded through acts of philanthropy and charging tuition fees, they teach students that there can be institutions, independent of the state, serving social needs.

And as I speak of universities, let me say that while it is imperative that the United States and Turkey maintain their strategic alliance, I would very much like to see our relationships broadened to include expanded educational and cultural links. For most Americans, even educated ones, don't know very much about Turkish history or culture.

I shall add that in respect of another important question affecting U.S. policy toward Turkey, Turkish relations with Greece, I have for several years now proposed that Turkish universities establish departments of Greek studies and Greek universities create department of Turkish studies, the better for each society to understand the other.

As I conclude his talk, I realize that I have certainly not covered every subject relevant to my central thesis. I have not attempted to be exhaustive; I hope I have been instructive.

HISTORIC OPPORTUNITY FOR DEMOCRACY IN TURKEY

My thesis is straightforward. It is that there are three powerful developments that, it seems to me, provide an historic opportunity for genuine democratic advance in Turkey.

The first is the economic and financial crisis that your country is now facing.

The second is Turkey's application for membership in the European Union.

And the third is rising importance of the institutions of civil society in Turkish life.

I have drawn particular attention to the movement for democratic change-for freedom of expression, a free market economy and reform of the political system-pressed by the business leaders of Turkey, like those at TESEV and TUSIAD.

Although the friends of Turkey in my own country and elsewhere will do what we can to encourage reform, for your great country to become a vigorous and vibrant democracy is, in the final analysis, up to the people of Turkey.

REMEMBERING THE BIG THOMPSON FLOOD

Mr. ALLARD. Mr. President, I rise today to honor those who lost their lives, as well as those who survived, Colorado's Big Thompson Flood of 1976. Twenty-five years ago today more than one foot of rain fell in a matter of hours, creating a flash flood in Big Thompson Canyon which killed 144 people and caused over $30 million in property damage. We remember those who died in this natural disaster, and also the survivors who had to rebuild their lives, working as a community to start over again. Today, outside of my hometown of Loveland, Colorado, 1,000 survivors of this tragedy will gather to

commemorate the Big Thompson Flood. Though I cannot be with them in this ceremony, my thoughts and prayers are with them and I speak on the Senate floor today as a tribute to this special event.

I ask unanimous consent that the following letter, which I wrote for the commemoration ceremony of the Big Thompson Canyon Flood of 1976, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Greetings to the families and friends of the victims of the Big Thompson Canyon Flood

As we look back twenty-five years ago today we remember the shock and devastation that took place in this canyon. Joan and I arrived just after the crest from the Big Thompson flood had passed through Loveland and were astounded by the destruction. At the time I was a county health officer and I had a number of clients up the canyon ravaged by the flash flood who had animals at my hospital. I was devastated by the tragedies which affected our community.

Since that time the people of the communities in the canyon have worked together to rebuild their lives and their property. We have heard of many sad stories and yet, many stories of kindness and concern for others through the years.

Today, as survivors, families and friends congregate to commemorate the Big Thompson Canyon flood, my thoughts and prayers are with you. The bronze sculpture dedicated today will permanently honor those who died in the flood and I will enter this letter into the CONGRESSIONAL RECORD as a tribute to all those affected by the Big Thompson Canyon Flood on July 31, 1976.

Joan's and my thoughts are with you as we remember the people who lost their lives and also those who survived this flood and recreated their lives.

Sincerely,
Wayne Allard

STOP TRADING AND AIDING THE BURMESE MILITARY JUNTA

Mr. HARKIN. Mr. President, once in awhile, the world is confronted with a national government so extreme in its violation of basic human rights and worker rights and so morally bankrupt that it requires exceptional, coordinated action on the part of all civilized nations. A case in point is the Burmese military junta that has been in power since 1988 and which continues to terrorize this nation of 48 million people to this day.

This is a despicable military dictatorship that is quite simply beyond the pale.

It uses forced labor as a normal way of conducting business and international trade.

It uses forced child labor to build roads and dams, to transport goods for the military, and to tend the fields.

It exploits 50,000 child soldiers—the most of any nation on Earth.

It is a drug trafficker of the first order—the No. 1 source of heroin on our streets in America.

It routinely confiscates and operates apparel and other factories, directly and indirectly, to earn foreign exchange to keep its brutal grip on power.

It brazenly ignores the democratic yearnings of its own people who overwhelmingly elected the National League for Democracy to power in the national elections in 1990.

It has kept Aung San Suu Kyi, the democratically elected national leader of Burma and Nobel Peace Prize Laureate, under house arrest and cutoff from outside communication for most of the past decade, while imprisoning, torturing, and killing tens of thousands of Burmese prodemocracy supporters.

For all of these reasons, I introduced legislation, S. 926, in late May to establish a complete U.S. trade ban with Burma. I am greatly heartened that Senators HELMS, LEAHY, MCCONNELL, HOLLINGS, WELLSTONE, FEINGOLD, SCHUMER, FEINSTEIN, LIEBERMAN, CLINTON, TORRICELLI, DAYTON, CORZINE, and MIKULSKI have already joined as cosponsors of this bill to make more effective the limited sanctions enacted by a bipartisan majority in 1997.

Now we need President Bush to throw his support behind this measure as well. I am hopeful that he will follow his words with action because he wrote to many of us nearly two months ago pledging that ''we strongly support Daw Aung San Suu Kyi's heroic efforts to bring democracy to the Burmese people.''

Now is not the time to hesitate. We already have fresh evidence that even the threat of enactment of this legislation is making life much more difficult for the Burmese generals in several ways.

First, the Wall Street Journal on July 9th carried an in-depth story under the headline, ''Myanmar Faces Dual Blow from U.S. Proposed Ban.'' In this account, a ranking officer of the Myanmar Garment Manufacturing Association reports that orders for Burmese apparel have already begun to decline in the country's largest quasi-private sector industry. Not surprisingly, Burmese government officials and textile industry executives are denouncing our legislation, claiming that it will hurt tens of thousands of Burmese textile and apparel workers and their families. But, in fact, S. 926 enjoys the solid support of the Free Trade Union Movement of Burma, FTUB, and it was developed in close consultation with Burmese workers at the village and farm level inside that besieged nation. Small wonder given that the per capita GDP in Burma has now fallen to less than $300 a year and the U.S. Embassy in Rangoon last summer cabled home that wages in the textile and apparel factories typically start at 8 cents an hour for a 48-hour work week.

Second, the Burmese military junta for the first time has recently announced that it will allow a team of investigators from the International Labor Organization (ILO) to visit Burma for three weeks in September to follow up the mountain of evidence compiled about the widespread use of forced labor. I hope this is not a cynical ploy on the part of the Burmese generals whereby ILO officials are carefully steered to sanitized work sites, after which the ILO mission issues a report stating that they saw little first-hand evidence of forced labor or that it is in decline due to the government's efforts to stop it.

To forestall this possibility, the following important precautions need to be taken now to prevent the Burmese generals from ''whitewashing'' their longstanding use of forced labor:

There should be regular ILO fact-finding teams sent to Burma every six months for the foreseeable future, not a onetime visit.

Every ILO fact-finding team sent into Burma should include at least one of the members of the ILO Commission of Inquiry which compiled the body of evidence of widespread use of forced labor in Burma. It was that Commission's report which led to the ILO invoking Article 33 procedures for the first time in history in 1999 and twice, since then, calling for the 175 member nations of the ILO to adopt stronger sanctions against this outlaw regime.

Before any ILO inspection team is dispatched, the Burmese generals must rescind their decree which prohibits any gathering of more than 5 Burmese civilians at one time. This will enable Burmese forced laborers or witnesses on their behalf to feel more secure in coming forward.

The ILO must also insist in advance that other UN agencies help monitor the whereabouts and safety of any Burmese forced laborers or witnesses thereto, once the ILO fact-finding teams leave the country.

Finally, the embassies of Japan and other ASEAN countries who lobbied hard for the dispatch of such ILO fact-finding teams must take on special, added responsibilities and function as conscientious monitors against forced labor and other egregious worker rights violations inside Burma whenever ILO fact-finding teams are not on the ground.

Third, now that more and more American consumers are learning for the first time that U.S. trade with Burma is actually growing, they are bringing their own pressure to bear on this sordid business. Last May 23rd, for example, Wal-Mart executives issued a statement that ''Wal-Mart Stores, Inc. does not source products from Burma and we do not accept merchandise from our suppliers sourced in Burma and Wal-Mart -Canada will also not accept any merchandise sourced from Burma moving forward.'' I hope this claim can

be verified soon and that other companies that have been doing business in Burma will follow suit.

Fourth, I am also hopeful that the U.S. Customs Service will move promptly to enforce its recent rulings and make certain that no products enter the U.S. labeled only ''Made in Myanmar''. Until such time that my trade ban legislation is enacted, it is very important that all American consumers be able to clearly identify whether a garment or other imported product is made in Burma.

In conclusion, Mr. President, it is unconscionable that apparel and textile imports from Burma, for example, have increased by 372 percent since supposedly ''tough'' sanctions were enacted in the U.S. in 1997. They increased by 118 percent last year alone, providing more than $454 million in hard currency that flows mostly into coffers of the Burmese military dictatorship. By what reasoning, do we currently have quotas on textile and apparel imports from virtually every other country in the world, but not Burma?

We need to promptly cut off the hard currency that is helping sustain the Burmese gulag.

We need to demonstrate anew our solidarity with the pro-democracy in Burma and its leaders.

We need to curb the flow of illegal drugs pouring into our country from Burma. We need to answer the call of the ILO to disassociate our country from the Burmese military junta which routinely uses forced labor and the worst forms of child labor, while defying the community of civilized nations to do anything about it.

We can accomplish all of these worthy policy objectives, the sooner we enact S. 926.

PREPARING FOR BIOTERRORISM . . . WHAT TO DO NEXT

Mr. AKAKA. Mr. President, I rise to address a subject on which I recently chaired a hearing in the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services concerning what the Federal Government is doing to better prepare our communities for an act of bioterrorism.

Mr. Bruce Baughman, the Director of Readiness and Planning for the Federal Emergency Management Agency, FEMA, testified on terrorism programs, the newly established Office of National Preparedness, and FEMA's plans to enact a nationally coordinated plan for terrorism preparedness. Dr. Scott Lillibridge, the first Special Assistant to the Secretary of Health and Human Services, HHS, for National Security and Emergency Management, discussed the current and future bioterrorism preparedness and response programs within HHS.

They were followed by two expert witnesses, whose testimony and experience were very helpful in laying out what the country should be doing, on a national, State, and local level, to respond to bioterrorism.

Dr. Tara O'Toole, of the Johns Hopkins University Center for Civilian Biodefense Studies, discussed the nature of the threat and the challenges facing response efforts. As she aptly noted, ''nothing in the realm of natural catastrophes or man-made disasters rivals the complex response problems that would follow a bioweapon attack against civilian populations.''

Dr. Dan Hanfling, a physician in the Emergency Department at Inova Fairfax Hospital, and an active member in regional disaster response planning, shared his views on the ability of local emergency rooms to respond to biological agents. He explained how, with emergency room overcrowding and ambulance diversions, emergency departments and hospitals are operating in a 'disaster mode' from day to day.

Throughout the hearing, I heard three recurring concerns that must be addressed to prepare properly for bioterrorism. First, the medical and hospital community is not engaged fully in bioterrorism planning. Second, the partnerships between medical and public health professionals are not as strong as they need to be. And, third, hospitals must have the resources to develop surge capabilities.

All three will require long-term efforts to correct these problems. However, I believe that we can make considerable progress with some simple measures that can be implemented quickly.

First, we need to improve awareness of the threat among the medical community, thereby increasing engagement with physicians and hospitals. Dr. O'Toole suggested Congressional support for curriculum development for medical and nursing schools. Such support would require funding for the development of biological weapon and emerging infectious disease curricula, which could be shared to educate, train, and retrain medical professionals.

Second, FEMA must ensure that our medical and hospital communities have a place at the table in the planning and implementing of bioterrorism programs. Both Dr. Hanfling and Dr. O'Toole emphasized the necessity of involving the public health and medical communities in response planning for all acts of terrorism. The medical community is always called upon for assistance in disasters by traditional first responders. For acts of bioterrorism, they become the first responders. This will require funding to provide physicians, nurses, and hospital administrators the resources and time to attend meetings, training sessions, and planning activities.

Third, we can also enhance the surveillance and monitoring capabilities of the local and state public health departments. This is crucial in order to detect outbreaks as early as possible. One step in accomplishing this would be to include veterinarians in current monitoring and surveillance networks. Dr. Lillibridge and Dr. O'Toole agreed that the veterinary community can offer many things to the bioterrorism effort.

For example, most physicians do not have clinical experience with likely bioterrorist agents, such as plague, anthrax, and small pox. However, many veterinarians have field experience with anthrax and plague. Veterinarians could also help in detecting unusual biological events because many emerging diseases, such as West Nile Virus, appear in animals long before humans.

Dr. Lillibridge said HHS is considering some options to actively engage the animal health community. I would suggest creating a senior level position within the Centers for Disease Control and Prevention responsible for communicating and coordinating with the veterinary associations, local and State animal health officials, and practicing and research veterinarians on a routine basis. I hope that HHS will act quickly in determining the best course of action.

These three actions can help move bioterrorism response forward. Will they solve all the problems we face? No. But with Congressional leadership, FEMA's coordination, and HHS's implementation, we should be able to improve awareness and engagement by the medical and hospital community. We can also expand partnerships between the medical, public health, and veterinary communities. These are small steps to tackling a problem which, at times, may seem daunting and overwhelming.

Our bioterrorism preparedness effort will be helped by developing new activities and communicating with other interested parties. I look forward to working with the different stakeholders in their efforts to prepare our communities for a possible act of bioterrorism.

IN MEMORY OF CARROLL O'CONNOR

Mr. HATCH. Mr. President, I rise today to pay my respects to a great American, Carroll O'Connor, who died June 21, 2001 of a heart attack. Mr. O'Connor was a talented actor who is fondly remembered for his role as Archie Bunker in the television show ''All in the Family,'' which ran successfully from 1971–1979 and for which he won four Emmys. Everyone will agree that Mr. O'Connor's portrayal of Archie Bunker helped start a dialogue in this country about serious issues that had until then been avoided. Issues such as

racism, bigotry, and religious and gender discrimination were tackled by the cast of ''All in the Family,'' and Mr. O'Connor led the discussion. His loyal fans will always remember the contributions he made to changing attitudes in America.

As much as I admired Mr. O'Connor for his role in bringing social issues to the forefront of American thought, today I would like to talk about another important issue that Mr. O'Connor helped bring to the attention of the American public. Mr. O'Connor was a tireless advocate for preventing kids from using drugs. He spoke publicly about the importance of keeping illegal drugs away from our kids. He passionately pleaded for parents to get between drugs and their kids so as to avoid the heartache that he himself suffered while witnessing his son Hugh struggle with his own addiction to cocaine and ultimately, as a result of his addiction, commit suicide. At a time when many would retreat in their own sorrow and grief, Carroll O'Connor mustered the strength to speak out about the dangers of drug abuse. He was a true public servant who undoubtedly touched the hearts of millions through his public service announcements that intimately described how he lost his son to drug addiction. I truly believe that his moving announcements prompted many parents to talk to their children about drugs.

I was fortunate to meet several times with Mr. O'Connor to discuss our country's drug control strategy. He had many interesting and innovative ideas as how to best solve the problem. In fact, just a few months ago he appeared via satellite at a Judiciary Committee hearing I held to testify in favor of S. 304, the Drug Abuse Education, Prevention, and Treatment Act of 2001, which I introduced along with Senators LEAHY, BIDEN, DEWINE, THURMOND, and FEINSTEIN. I want to quote a passage from his opening statement, which I believe exemplifies his dedication to the issue of drug abuse.

> We only know that there is hardly a family in America, on any level of life, that has not been wounded lightly or severely or fatally by the assault of the drug empire upon our country. The loved ones of insensate addicts, like my own poor son, write to me every day imploring my help, as if I, being well-known, might persuade our leaders to protect and defend them in this war, or at the very least help them care for their wounded and dying. This Committee, by this legislation, is now directing serious attention to the care for the wounded and dying.

I deeply regret that Mr. O'Connor will not be here when the Senate passes S. 304, but importantly, his legacy is secure in the form of the contribution he has made to publicizing this issue and the tireless work toward the passage of this legislation. I ask unanimous consent that Mr. O'Connor's March 14, 2001 opening statement before the Judiciary Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY CARROLL O'CONNOR TO THE SENATE JUDICIARY COMMITTEE, MARCH 14, 2001

Good morning. My dear Senators, I'm honored by your invitation to be here. I'm deeply involved in our war on drugs but only as a wounded victim of it, without expertise in the conduct of it. I am presuming here simply to speak for five million other victims. Or should I say ten million? Is there a true number? We only know that there is hardly a family in America, on any level of life, that has not been wounded lightly or severely or fatally by the assault of the drug empire upon our country.

The loved ones of insensate addicts, like my own poor son, write to me every day imploring my help, as if I, being well-known, might persuade our leaders to protect and defend them in this war, or at the very least help them care for their wounded and dying. This committee, by this legislation, is now directing serious attention to the care of the wounded and dying. This is a good bill. This war against the drug empire is a good war, and except for some who call it a lost war, who would legalize drugs and turn the country over to the invader, the American people are not clamoring to withdraw from this war.

This war is raging in the streets around them. They tell me in their letters that they don't understand why we are not fighting this war and winning it. They understand that they are spending billions to raise blockades and sanctions against so-called enemy countries like Libya and Cuba, and to fly bomber patrols over Iraq to prevent the Iraqis from making chemical weapons to use against us, but they know that the only country in the world attacking us daily with the poisons it makes is Colombia, the key country in the drug empire; Colombia which says to us ''Control your own deadly habits; we don't create them, we merely supply them. Meanwhile can you let us have two billion dollars and some American troops to deal with our rebels down here?''

If this is an unsophisticated picture of our foreign relations, it is nevertheless starkly real to our despairing people. The picture might better be presented to some other committee of the congress, but it is impossible to leave it out of any consideration of the drug war. I cannot guess how our people will receive the proposals advanced by this good legislation, and I am afraid that the expenditures here proposed for treatment and rehabilitation are not going to be enough by half. I would have said that we needed new, free rehabilitation centers in all of the major counties of our fifty states. How many? Two hundred, three hundred? At what cost? Perhaps a billion? a low guess? just to start the program.

Addicts cannot help themselves; they have to learn control, to re-regulate brain cells in expert medical facilities, places with living facilities closely available that will receive them without delay when they are ready to offer themselves. Our people are not ungenerous but they are not well informed. Care and rehabilitation of thousands and thousands of junkies is not something they are ready to pay for on a grand scale. But that must be done, and now when we are at the flood tide of our national wealth is the only possible time to do it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 30, 2001, the Federal debt stood at $5,733,200,036,425.98, five trillion, seven hundred thirty-three billion, two hundred million, thirty-six thousand, four hundred twenty-five dollars and ninety-eight cents.

Five years ago, July 30, 1996, the Federal debt stood at $5,183,983,000,000, five trillion, one hundred eighty-three billion, nine hundred eighty-three million.

Ten years ago, July 30, 1991, the Federal debt stood at $3,560,957,000,000, three trillion, five hundred sixty billion, nine hundred fifty-seven million.

Fifteen years ago, July 30, 1986, the Federal debt stood at $2,071,424,000,000, two trillion, seventy-one billion, four hundred twenty-four million.

Twenty-five years ago, July 30, 1976, the Federal debt stood at $624,547,000,000, six hundred twenty-four billion, five hundred forty-seven million, which reflects a debt increase of more than $5 trillion, $5,108,653,036,425.98, five trillion, one hundred eight billion, six hundred fifty-three million, thirty-six thousand, four hundred twenty-five dollars and ninety-eight cents during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO BRIGADIER GENERAL THOMAS F. GIOCONDA

• Mr. DOMENICI. Mr. President, I rise today to pay tribute to a truly great American, Brigadier General Thomas F. Gioconda, USAF. General Gioconda has served this Nation with distinction for 31 years.

A native of Philadelphia, PA, General Gioconda is a graduate of St. Joseph's University, Philadelphia, PA, class of 1970. He has earned two masters degrees, one in School Administration from Seton Hall University, and another in Business Administration from the University of Montana. His military career began in 1970 with an assignment to Malstrom AFB, MT, where he served as a missile launch officer. After 4 years as a wing missile operations crew instructor, he served as an AFROTC instructor at his alma mater for two years, followed by another two years at New Jersey Institute of Technology. He then served as a missile operations instructor and section chief at the 4315th Combat Crew Training Squadron, Vandenberg AFB, CA.

General Gioconda has also served as the principal liaison officer to Congress for both General Colin Powell (Ret) and General John Shalikashvili (Ret) during momentous times in our Nation's history—the end of the Cold War, Operations Desert Storm, Provide Promise, Provide Hope, Provide Comfort, Southern Watch, Deny Flight, and Restore Democracy, and Joint Endeavor, as well as countless other military operations and deployments.

General Gioconda came to Department of Energy Defense Programs in August 1997 to serve as the Principal Deputy Assistant Secretary for Military Application (DP–2). During his 4-year tenure, General Gioconda served as the Acting Assistant Secretary for Defense Programs and later as the Acting Deputy Administrator for Defense Programs, for almost as long as he has served in the DP–2 position. Under this leadership, the Stockpile Stewardship Program, one of the country's most challenging scientific and engineering programs is delivering results of the American people, results that make this a safer country for us all. His steady hand, clear vision, decency, candor, and sense of humor has also helped the program overcome profound challenges over the last several years.

At the conclusion of his first tour as Acting Deputy Administrator, his accomplishments were justly rewarded with the presentation of the Department of Energy's highest honor, the Secretary's Gold Medal. General Gioconda has made great personal professional sacrifices to ensure the success of the Stockpile Stewardship Program and the Nation owes him a depth of gratitude for this service. I know that the men and women of the National Nuclear Security Administration will sorely miss his leadership, commitment to excellence, and untiring efforts to look out for their welfare.

In addition to his Department of Energy award, General Gioconda has been awarded the Distinguished Service Medal, the Defense Superior Service Medal (with Oak Leaf Cluster), the Defense Meritorious Service Medal, the Meritorious Service Medal (four Oak Leaf Clusters), three Air Force Commendation Medals, the Air Force Achievement Medal, the Combat Readiness Medal, the Outstanding Voluntary Service Medal, and the Command Missile Badge. We wish Tom, his wife Anita, and their three sons, Tom, Jr., Anthony, and Timothy, the very best.

It is a great honor and personal privilege for me to present his credentials and this tribute to General Thomas F. Gioconda before the Congress today. I have enjoyed working with the General over the years and I will miss his wise counsel. General Gioconda's extraordinary commitment has helped sustain our Nation's security during his tenure and beyond and reflects great credit upon himself, the Departments of the Air Force and Energy, and the United States of America. His actions reflect the highest professional standards of the Air Force. He is an officer of the highest honor, integrity, and purpose. Please join me in wishing this patriotic American every success in the years ahead.●

DR. FRED CRAWFORD

● Mr. HOLLINGS. Mr. President, it is a pleasure for me to recognize the accomplishments of Dr. Fred Crawford, chief heart surgeon at the Medical University of South Carolina. Dr. Crawford grew up in rural South Carolina and still enjoys the simple life, but his sophisticated approach to work is on par with any big-city surgeon. He has done a tremendous job of bolstering the medical community's perception of MUSC during his more than 20 years on staff, by building a world-class team of physicians and nurses and by fostering excellence in his students. I ask that Clay Barbour's profile of Dr. Crawford, which appeared in The Post and Courier newspaper follows:

SURGEON STRIVES TOWARD GOAL FOR PROGRAM

(By Clay Barbour)

In August 1995, former New York City Mayor David Dinkins experienced severe chest pains and dizziness while on vacation in Hilton Head.

When it was confirmed that the 68-year-old Dinkins needed triple bypass surgery, there were discussions over where he should receive treatment.

New York, after all, offered a plethora of world-class physicians.

But after consulting physicians back home, Dinkins' wife decided to place her husband's heart in the very capable hands of Dr. Fred Crawford, MUSC's chief heart surgeon.

Crawford says despite Dinkins' high-profile status, his care was the same as the other 800 heart procedures performed at the Medical University of South Carolina that year.

But in truth, Dinkins' decision to trust MUSC in such an important matter differed from the others in one key aspect.

It was tangible proof of MUSC's standing in the medical community and validation for Crawford and his heart surgery program.

When Crawford took over as MUSC's chief cardiothoracic surgeon in 1979, he had one goal—to turn the oft-overlooked program into a major force in medicine.

''We were losing too many people to hospitals out of state, and I wanted that to stop,'' he says. ''I wanted this program to carry the weight of other high-profile programs in the country.

But changing perceptions was easier said than done. And even Crawford admits his goal was the naive dream of a young, idealistic surgeon.

But as the Dinkins' choice to stay instate proves, with persistence, high standards and skilled personnel, even perceptions can change.

COUNTRY BOY

As Crawford climbs atop the tractor, garbed in flannel and denim, the 58-year-old doctor looks out of place.

Yet it is here, on his farm amid the corn and sorghum that MUSC's head of surgery is most at home.

Crawford was raised here, in the community of Providence, not far from where his 400-acre farm now sits. He met his wife of 35 years, Mary Jane, here. And his mother still lives nearby.

He bought the land 12 years ago, right after Hurricane Hugo battered the state. And though he lives in Mount Pleasant, this rustic getaway serves as a weekend retreat, where he can leave the stress of surgery behind and return to a simpler time.

Crawford was born in 1942 to a pair of educators. His father was the principal at the local high school. His mother was the principal at the local elementary.

So he knows where he developed a fondness for academics and teaching. But he's not exactly sure what originally led him to medicine.

He remembers being impressed by an uncle who practiced medicine. And he always admired the family doctor.

In 1960, Crawford applied to, and was accepted at, Duke University in Durham, N.C.

''And for a country boy in South Carolina, Duke was about as far out as you could get,'' he says. ''I doubt I'd even heard of any Ivy League schools at the time.''

What started in 1960 was Crawford's 16-year relationship with Duke.

During his freshman year, Crawford met the man who would become his lifelong mentor, Dr. Will Sealy, a respected heart surgeon and educator at Duke, had a profound influence on Crawford.

''One week after I met him, I knew I wanted to be a surgeon,'' Crawford says. ''After two weeks, I knew I wanted to be a heart surgeon. And after three weeks, I knew I wanted to be an academic heart surgeon.''

Crawford finished three years undergraduate work at Duke and was then accepted to the university's prestigious medical school. After finishing medical school, he began a seven-year surgical residency at the university.

But the world would intrude on his education.

VIETNAM

''I think all surgeons, if they're honest with themselves, wonder at some point if they have the hands to do the job,'' Crawford says.

Any questions Crawford harbored about his ability were answered between 1969 and 1971—the years he spent in Vietnam.

After finishing two years of his residency, Crawford was called to duty in the Army. He arrived at the 24th Evacuation Hospital in Long Binh in 1970. Day in and day out, the young, inexperienced Crawford operated on wounded soldiers. Immersed in work, Crawford soon forgot his doubts and concentrated on his patients.

''I knew after that experience that I had what it took to do the job,'' he says.

In 1971, Crawford returned to Duke and completed the last five years of his residency. Finishing in 1976, he accepted a position as chief of cardiac surgery at the University of Mississippi.

''Which tells you more about the state of that program at the time than it does about how good I was,'' he says.

Crawford stayed in Mississippi for three years. Then on a fishing trip to South Carolina in 1978, he met former South Carolina Gov. James Edwards and fate stepped in.

''I was impressed with him,'' Edwards says. ''He was an extremely well-trained South Carolina boy. A very together and prepared person.''

Edwards asked Crawford when he was coming home. It wasn't the first time Crawford had considered returning to the Palmetto State, but this time something clicked.

And as luck would have it, the position for MUSC's head of cardiothoracic surgery opened up soon after the fishing trip. Crawford decided he'd make a run at it.

Edwards, an oral surgeon by training, heard that Crawford was not receiving the consideration due his reputation in the industry. So he stepped in.

''I checked up on him before going to bat for him,'' Edwards says.

''I was told he had two of the finest hands a surgeon could have, and his decision-making skills were second to none.''

It wasn't long before Edwards reaped the benefits of his decision to back Crawford. In 1983, the former governor accepted a position as MUSC's president.

HOME AGAIN, HOME AGAIN

In 1979, Crawford accepted the MUSC job and moved home to South Carolina with the dream of turning MUSC into a world-class heart surgery program.

He knew he had to fight public perception to make his dream come true. But to do that, he needed a plan. He started by recruiting world-class physicians and building a team of talented professionals around them.

''You can't have a world-class heart surgery program without world-class nurses, and world-class anesthesiologists,'' he says. ''It takes everybody to make it work.''

He then had to lobby for upgraded facilities, a part of the plan he's still working on.

''We're operating in a building that's 55 years old,'' he says. ''In the very near future we're going to have to do something about that.''

Crawford says that while he has worked hard on making a name for MUSC's heart surgery program, he has never forgotten that he is also an educator. And that's the part of the job he loves best.

''There is just something about knowing that you've played a part in turning a young student into a great surgeon,'' he says. ''And as they go out and succeed in the profession, they take a little of you with them.''

But just because he loves working with students doesn't mean he's easy on them. ''Fred has very high expectations for residents and faculty, and he lets us know when we don't live up to them,'' says Dr. Robert Sade, MUSC's director of Human Values and Healthcare, a medical ethics and health policy think tank.

Sade has worked with Crawford for close to 22 years, and says the diminutive surgeon can be gruff in a professional environment.

''But he's a great guy, with a sharp sense of humor,'' he says. ''It's just that surgery is serious work, and Fred takes it very seriously. But without a doubt, he is probably one of the most intelligent and well-organized physicians I've ever worked with.''

It's an opinion shared by many in the surgical community. Crawford is the chairman of the American Board of Thoracic Surgery and is the president-elect of the American Association of Thoracic Surgeons, the most prestigious group of its kind in the world.

''That was an honor that really blew me away,'' Crawford says.

At 58, Crawford has years left in his hands, and a job that's not quite finished. He intends to continue toward his goal with the same drive that led him to where he is now.

''A year ago I was diagnosed with colon cancer,'' he says. ''I'm better now, but that scare made me aware of how short our time here is. I didn't waste a lot of time before. I don't waste any now.''●

TRIBUTE TO JOHN CLEMSON DUCKWORTH, SR.

● Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, John Clemson Duckworth, of Tuscaloosa, AL. Clemson Duckworth died this past Tuesday, July 24th, at the age of 94.

Clemson was born in Tuscaloosa in 1907 and attended the University of Alabama. He joined the National Guard at the age of 18 and served as his unit's commander when they were activated in 1940 for World War II. Clemson served in several areas of the Pacific. He rose to the rank of full colonel, earned a Bronze Star and the Legion of Merit.

He returned to Tuscaloosa after World War II to his job as a loan officer at First Federal Savings and Loan. He eventually became President and Chairman of the bank, as well as Chief Executive Officer before he retired in 1979 after 50 years of service. During his years of leadership at First Federal Savings and Loan, he encouraged home ownership among the city's residents and guided Tuscaloosa in the city's long-term planning. He served as the first head of the city planning commission.

In his church, First United Methodist, Clemson served as Chairman of the Administrative Board and President of the Board of Trustees. He served on several committees of the North Alabama Conference of the United Methodist Church.

At the University of Alabama, he served as an adjunct professor, teaching economics and insurance. He was active in a number of philanthropic and social organizations on campus.

Clemson Duckworth definitely left a mark on the Tuscaloosa community. In addition to his service to the City Planning Commission, he was also active in the city's Rotary Club. He was a member of the Druid City Hospital Foundation Board and played an active role in many of its fund raising projects. He served as Chairman and President of the Community Chest Drive, President of the Chamber of Commerce of West Alabama and the Junior Chamber of Commerce, and Director and Treasurer of the Building Fund of YMCA. For his lifetime of service to his country and community, Clemson Duckworth was honored as Tuscaloosa's Citizen of the Year.

Clemson also found time to raise a family. He and his wife Susie raised a daughter, Virginia Duckworth Cade; and two sons, John Clemson Duckworth, Jr. and Joe Brown Duckworth. They were also blessed with seven grandchildren and 14 great grandchildren.

Clemson Duckworth was a good friend, a patriarch of the Tuscaloosa community, a decorated veteran of World War II, and a much-beloved family man. He will be greatly missed by many.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 2001, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of the national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing, unusual, and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 31, 2001*.

REPORT ON THE CONTINUATION OF THE IRAQI EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 39

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the

anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 2001, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing, unusual, and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

GEORGE BUSH.

THE WHITE HOUSE, *July 31, 2001*.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1954. An act to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

At 3:34 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 100. An act to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes.

H.R. 1499. An act to amend the District of Columbia College Access Act of 1999 to permit individuals who graduated from a secondary school prior to 1998 and individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school to participate in the tuition assistance programs under such Act, and for other purposes.

H.R. 1858. An act to make improvements in mathematics and science education, and for other purposes.

H.R. 2456. An act to provide that Federal employees may retain for personal use promotional items received as a result of travel taken in the course of employment.

H.R. 2540. An act to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 2603. An act to implement the agreement establishing a United States-Jordan free trade area.

H.R. 2620. An act 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.

H.R. 2647. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 190. Concurrent resolution supporting the goals and ideals of National Alcohol and Drug Addiction Recovery Month.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 100. An act to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1858. An act to make improvements in mathematics and science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2456. An act to provide that Federal employees may retain for personal use promotional items received as a result of travel taken in the course of employment; to the Committee on Governmental Affairs.

H.R. 2540. An act to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2603. An act to implement the agreement establishing a United States-Jordan free trade area; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 190. Concurrent resolution supporting the goals and ideals of National Alcohol and Drug Addiction Recovery Month; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2620. An act 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.

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–3206. 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 ''Montgomery GI Bill—Active Duty'' (RIN2900–AK06) received on July 30, 2001; to the Committee on Veterans' Affairs.

EC–3207. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''VISAS: Nonimmigrant Classes; Irish Peace Process Cultural and Training Program'' (22 CFR Part 41) received on July 30, 2001; to the Committee on Foreign Relations.

EC–3208. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Annual Report on Retail Fees and Service of Depository Institutions for 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3209. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 1504(d)—Subsidiary Formed to Comply with Foreign Law'' (Rev. Rul. 2001–39) received on July 27, 2001; to the Committee on Finance.

EC–3210. 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 ''Disclosures of Return Information to Officers and Employees of the Department of Agriculture for Certain Statistical Purposes and Related Activities'' (RIN1545–AX69) received on July 30, 2001; to the Committee on Finance.

EC–3211. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–3212. A communication from the District of Columbia Auditor, transmitting, a report entitled ''Certification Review of the Sufficiency of the Washington Convention Center Authority's Projected Revenues to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2002''; to the Committee on Governmental Affairs.

EC–3213. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans: Oregon'' (FRL7017–9A) received on July 30, 2001; to the Committee on Environment and Public Works.

EC–3214. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices for Streets and Highways; Corrections'' (RIN2125–AE87) received on July 30, 2001; to the Committee on Environment and Public Works.

EC–3215. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Policy on Audits of RUS Borrowers; GAGAS Amendments'' (RIN0572–AB62) received on July 27, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3216. A communication from the Acting Administrator of the Rural Utilities Service,

Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Policy on Audits of RUS Borrowers; Management Letter'' (RIN0572–AB66) received on July 27, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3217. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Isoxadifen-ethyl; Pesticide Tolerance Technical Correction'' (FRL6794–3) received on July 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3218. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tepraloxydim; Pesticide Tolerance'' (FRL6781–7) received on July 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3219. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757 Series Airplanes; Modified by Supplemental Certificate SA1727GL'' ((RIN2120–AA64)(2001–0347)) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3220. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 736–600, –700, –700C, and –800 Series Airplanes'' ((RIN2120–AA64)(2001–0345)) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3221. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200, –200C, –300, and –400 Series Airplanes'' ((RIN2120–AA64)(2001–0344)) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3222. A communication from the Trial Attorney for Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Brake System Safety Standards for Freight and Other Non-Passenger Train and Equipment; End-of-Train Devices'' (RIN2130–AB49) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3223. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Disability in Air Travel'' (RIN2105–AC81) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3224. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Transportation for Individuals With Disabilities (Over the Road Buses)'' ((RIN2105–AC00)(2001–0001)) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3225. A communication from the Attorney of the Office of the General Counsel, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Maintenance of and Access to Information About Individuals'' (RIN2105–AC99) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3226. 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 Pelagic Shelf Rockfish Fishery in the West Yakutat District, Gulf of Alaska'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3227. 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 in the Western Pacific; Western Pacific Pelagic Longline Restrictions and Seasonal Area Closure, and Sea Turtle and Sea Bird Mitigation Measures; Emergency Interim Rule'' (RIN0648–AP24) received on July 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3228. A communication from the Assistant Chief, Consumer Information Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities'' (Doc. No. 96–198) received on July 27, 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 lie on the table as indicated:

POM–165. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to jurors' compensation; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 104

Whereas, While jury service is a civic duty for many Americans, extended jury service can create significant financial hardship on jurors, and for many citizens the honor and privilege of serving on a jury becomes instead a burden that not only tends to limit participation in jury service but ultimately reduces the representativeness of juries in an increasingly diverse society; and

Whereas, Under current Texas law, jurors are entitled to reimbursement of expenses in an amount not less than $6 nor more than $50 for each day of jury service, with the actual amount being determined by the county commissioners court; the law also allows a presiding judge, under certain circumstances, to increase the daily reimbursement above the amount set by the commissioners court provided that reimbursement does not exceed the maximum allowable amount of $50 per day, with the additional costs in these cases being shared equally by the parties involved; and

Whereas, Because jurors' compensation often falls at the lower end of this reimbursement schedule, jury duty participation may cause undue financial hardships on citizens who incur substantial traveling and other daily expenses when responding to a jury summons; and

Whereas, Furthermore, because Texas law does not require employers to pay employees for the time they take off work to perform jury service, the financial hardship falls most heavily on hourly wage earners who cannot afford the different between the $6 per day compensation and the amount of wages lost; and

Whereas, Consequently, minorities, young adults, and other lower-income individuals are significantly underrepresented on many Texas juries, which may potentially violate a constitutional requirement that juries represent a cross-section of the community; and

Whereas, While county commissioners courts may provide for juror compensation above the state minimum, courts in poorer communities may be hard pressed to do so, and even in those communities that do pay above the minimum, the higher compensation still does not offset the amount of wages a juror may forgo during an extended jury trial; additional incentives are needed to lessen or remove jurors' financial burdens and thus ensure greater public participation in jury service and safeguard constitutional guarantees; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully request the Congress of the United States to pass legislation amending the Internal Revenue Code to give each person who serves on a jury under certain circumstances or in certain localities a $40 tax credit per day of service and to give each person who is summoned and appears, but does not serve, a one-time $40 tax credit for that day; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–166. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to Canadian lumber, to the Committee on Finance.

House Concurrent Resolution 98

Whereas, Lumber is an important natural resource and a vital industry for both the United States and Texas; the U.S. and Texas timber industries' ability to compete in a global economy, however, is hampered by the continuing influx of Canadian lumber, which is heavily subsidized by the provincial governments; and

Whereas, Canadian softwood lumber producers obtain most of their timber supply from government-owned forests, and the provinces subsidize lumber production by selling timber to Canadian lumber companies at noncompetitive prices for a fraction of the timber's market value; and

Whereas, Artificially low provincial timber prices, minimum harvesting restrictions, and other practices that encourage overharvesting and overproduction have helped Canadian imports gain a 36 percent share of the U.S. softwood lumber market; and

Whereas, Highly subsidized Canadian lumber imports unfairly compete with U.S. lumber companies, jeopardizing thousands of jobs and driving down the market value of U.S. forestlands; and

Whereas, U.S. industry and labor groups, U.S. and Canadian environmental organizations, and Native American groups have called for an end to these subsidies in order to establish fair trade practices; and

Whereas, The United States must fully enforce trade laws to offset the subsidies and mitigate injury to the U.S. softwood lumber industry if the Canadian subsidies are not discontinued; and

Whereas, The only protection for U.S. timber growers against these unfair market conditions is the current United States-Canada Softwood Lumber Agreement, which is scheduled to expire on the last day of March 2001; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to:

(1) make the problem of subsidized Canadian lumber imports a top trade priority to be addressed immediately;

(2) take every possible action to end Canadian lumber subsidy practices through open and competitive sales of timber and logs in Canada for fair market value or, if Canada will not agree to end the subsidies immediately, provide that the subsidies be offset in the United States;

(3) encourage open and competitive timber sales at fair market prices; and

(4) if Canada does not agree to end subsidies for lumber:

(A) enforce vigorously, promptly, and fully the trade laws with regard to subsidized and dumped imports;

(B) explore all options to stop unfairly traded imports; and

(C) limit injury to the U.S. lumber industry; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–167. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to enacting the Railroad Retirement and Survivors' Improvement Act of 2001; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 210

Whereas, The Railroad Retirement and Survivors' Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including 20 members from the Texas delegation to the congress; and

Whereas, Even though more than 80 United States senators signed letters of support for this legislation in 2000, the bill never came up for a vote in the full senate; and

Whereas, An identical bill addressing railroad retirement reform is now before the 107th Congress to modernize the financing of the railroad retirement system for its 748,000 beneficiaries nationwide, including more than 38,000 in Texas; and

Whereas, The act provides tax relief to freight railroads, Amtrak, and commuter lines; it also provides benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, Railroad management and labor and retiree organizations have agreed to support this legislation; and

Whereas, No outside contributions from taxpayers are needed to implement the changes called for in this legislation as all costs relating to the reforms will come from within the railroad industry, including a full share by active employees; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to enact the Railroad Retirement and Survivors' Improvement Act of 2001; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–168. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to the development of an agreement or treaty with Mexico to address health issues; to the Committee on Foreign Relations.

SENATE CONCURRENT RESOLUTION 21

Whereas, Border health conditions not only pose an immediate risk to those who live along either side of the United States-Mexico border, but also are a health concern for all of the United States, and unaddressed health concerns in this region will only continue to worsen as the border population and its mobility increase, thereby escalating the risks to other areas of exposure and transmission of disease; and

Whereas, While the State of Texas has attempted to address many of the health issues facing the border population in Texas, binational cooperation at the federal level is essential to addressing these health concerns; and

Whereas, In 1999, the Texas Legislature called for an in-depth study of the public health infrastructure and barriers to a cooperative effort between Texas and Mexico; results of the study indicate that differences in technology and limitations on the exchange of technology, disparities in methods of collecting data and confidentiality provisions that restrict information sharing, and cultural differences that affect interaction between local and state health departments all combine to inhibit collaboration on health issues of mutual concern; and

Whereas, An example of the consequences of such barriers to cooperation occurred in 1999, when an outbreak of dengue fever in South Texas was traced back to Mexican cities and was thought to have been brought from Nuevo Laredo, Mexico, to Laredo, Texas; and

Whereas, Despite the implications for an outbreak across the border, Mexican health officials were limited in their ability to confirm cases of the mosquito-borne illness, and provisions in the Mexican Constitution restricted them from sharing the results of tests performed on Mexican citizens with Texas' health officials; and

Whereas, Similar instances have occurred where incidences of tuberculosis, salmonella, and malaria around the United States were found to have started in the Texas-Mexico border region; and

Whereas, It is in the interest of the United States to control the spread of diseases, beginning in the places where they originate, and poverty and poor health conditions along the United States-Mexico border region provide a large incubation ground for diseases; however, the efforts of one state or country alone will not address conditions that are present on both sides of the border, or legal issues that create incompatibilities between approaches, making a cooperative binational effort vitally important; and

Whereas, The United States and Mexico have worked in concert in forming NAFTA and related side agreements that address environmental infrastructure issues, creating the Border Environment Cooperation Commission and establishing the North American Development Bank; the success of these joint ventures suggests that forming similar international agreements to improve the public health infrastructure and finding ways to address the exchange of technology and information will improve the quality of life for residents of the border region as well as reduce the public health risks in the spread of disease; and

Whereas, Establishing an agreement between the United States and Mexico will show a commitment to the issue of public health and acknowledge that the spread of disease is an international problem without boundaries; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby urge the Congress of the United States to initiate the development of an agreement or treaty with Mexico to address health issues of mutual concern; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

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. HATCH (for himself and Mrs. FEINSTEIN):

S. 1272. A bill to assist United States veterans who were treated as slave laborers while held as prisoners of war by Japan during World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARKIN:

S. 1273. A bill to amend the Public Health Service Act to provide for rural health services outreach, rural health network planning and implementation, and small health care provider quality improvement grant programs, and telehomecare demonstration projects; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. FRIST, Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, Ms. COLLINS, Mr. BINGAMAN, Mr. EDWARDS, Mrs. MURRAY, and Mr. SESSIONS):

S. 1274. A bill to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HUTCHINSON, Mr. DODD, Ms. COLLINS, Mr. BINGAMAN, Mr. FEINGOLD, Mrs. MURRAY, Mr. EDWARDS, and Mr. CORZINE):

S. 1275. A bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1276. A bill to provide for the establishment of a new counterintelligence polygraph program for the Department of Energy, and for other purposes; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. LUGAR):

S. 1277. A bill to authorize the Secretary of Energy to guarantee loans to facilitate nuclear nonproliferation programs and activities of the Government of the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. BREAUX, and Ms. LANDRIEU):

S. 1278. A bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit; to the Committee on Finance.

By Mr. BREAUX:

S. 1279. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Finance.

By Mr. CLELAND:

S. 1280. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself and Mr. FRIST):

S. 1281. A bill to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 1282. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Finance.

By Mr. JOHNSON:

S. 1283. A bill to establish a program for the delivery of mental health services by telehealth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. DASCHLE, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs . BOXER, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. STABENOW, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 1284. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE:

S. 1285. A bill to provide the President with flexibility to set strategic nuclear delivery system levels to meet United States national security goals; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD:

S. Res. 142. A resolution expressing the sense of the Senate that the United States should be an active participant in the United Nations World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself, Mr. CONRAD, Mr. GRAHAM, Mr. LEVIN, Mr. SANTORUM, Mr. AKAKA, Mr. BREAUX, Mr. KENNEDY, Mr. COCHRAN, Mr. DODD, Mr. NELSON of Florida, Mr. BAUCUS, Mr. BAYH, Mr. BUNNING, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. KERRY , Mr. INOUYE, Ms. LANDRIEU, Mr. LEAHY, Mr. MILLER, Mr. MURKOWSKI, Mr. REID, Mr. SARBANES, Mr. BINGAMAN, Mr. BYRD, Mr. DAYTON, Mr. DURBIN , Mr. KOHL, Mr. LIEBERMAN, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. BROWNBACK, Mrs. LINCOLN, Mr. WARNER, Ms. STABENOW, Mr. DOMENICI, Mr. VOINOVICH, Mrs. BOXER, Mr. CHAFEE, Mr. DEWINE, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Ms. SNOWE , Mr. THURMOND, Ms. COLLINS, Mr. CARPER, Mr. STEVENS, Mr. ENSIGN, Mr. ROBERTS, Mr. SMITH of New Hampshire, and Mr. BOND):

S. Res. 143. A resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week of November 11 through November 17, 2001, as ''National Veterans Awareness Week''; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 144. A resolution commending James W. Ziglar for his service to the United States Senate; considered and agreed to.

By Mr. HELMS (for himself, Mr. BIDEN, and Mr. LEVIN):

S. Con. Res. 62. A concurrent resolution congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself, Mr. FRIST, Mr. ALLEN, and Mr. KENNEDY):

S. Con. Res. 63. A concurrent resolution recognizing the important contributions of the Youth For Life: Remembering Walter Payton initiative and encouraging participation in this nationwide effort to educate young people about organ and tissue donation; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. GRAMM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 28, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 38

At the request of Mr. INOUYE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 128

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 128, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 145

At the request of Mr. THURMOND, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor 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. 170

At the request of Mr. REID, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 234

At the request of Mr. GRASSLEY, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 234, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 267

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 275

At the request of Mr. KYL, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 275, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to preserve

a step up in basis of certain property acquired from a decedent, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 370, a bill to amend the Internal Revenue Code of 1986 to exempt agricultural bonds from State volume caps.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 621

At the request of Mr. HAGEL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 621, a bill to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.

S. 677

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 825

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 825, a bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes.

S. 972

At the request of Mr. MURKOWSKI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 972, a bill to amend the Internal Revenue Code of 1986 to improve electric reliability, enhance transmission infrastructure, and to facilitate access to the electric transmission grid.

S. 989

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 989, a bill to prohibit racial profiling.

S. 1000

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1000, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 1074

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1074, a bill to establish a commission to review the Federal Bureau of Investigation.

S. 1104

At the request of Mr. GRAHAM, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 1104, a bill to establish objectives for negotiating, and procedures for, implementing certain trade agreements.

S. 1111

At the request of Mr. CRAIG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1111, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 1119

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1119, a bill to require the Secretary of Defense to carry out a study of the extent to the coverage of members of the Selected Reserve of the Ready Reserve of the Armed Forces under health benefits plans and to submit a report on the study of Congress, and for other purposes.

S. 1209

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1226

At the request of Mr. CAMPBELL, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Kentucky (Mr. BUNNING), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1265

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of 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.

S. RES. 109

At the request of Mr. REID, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Delaware (Mr. BIDEN) 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.

S. CON. RES. 4

At the request of Mr. NICKLES, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber.

S. CON. RES. 31

At the request of Mr. THOMPSON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. Con. Res. 31, concurrent resolution commending Clear Channel Communications and the American Football Coaches Association for their dedication and efforts for protecting children by providing a vital means for locating the Nation's missing, kidnapped, and runaway children.

S. CON. RES. 59

At the request of Mr. HUTCHINSON, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 59, a concurrent resolution expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mrs. FEINSTEIN):

S. 1272. A bill to assist United States veterans who were treated as slave laborers while held as prisoners of war by Japan during World War II, and for other purposes; to the Committee on Veterans' Affairs.

Mr. HATCH. Mr. President, I rise today with my co-sponsor, Senator FEINSTEIN, to introduce legislation that will help a very special cadre of Americans, a group of Americans that, over 50 years ago, paid a very dear price on behalf of our country. The incredible sacrifice made by these Americans has never properly been acknowledged, and it is high time that they receive some measure of compensation for that sacrifice.

On April 9, 1942, Allied forces in the Philippines surrendered the Bataan Peninsula to the Japanese. Ten to twelve thousand American soldiers were forced to march some 60 miles in broiling heat in a deadly trek known as the Bataan Death March. Following a lengthy internment under horrific conditions, thousands of POWs were shipped to Japan in the holds of freighters known as ''Hell Ships.'' Once in Japan, the survivors of the Bataan Death March were joined by hundreds of other American POWs, POWs who had been captured by the Japanese in actions throughout the Pacific theater of war, at Corregidor, at Guam, at Wake Islands, and at countless other battlegrounds.

After arriving in Japan, many of the American POWs were forced into slave labor for private Japanese steel mills and other private companies until the end of the war. During their internment, the American POWs were subjected to torture, and to the withholding of food and medical treatment, in violation of international conventions relating to the protection of prisoners of war.

More than 50 years have passed since the atrocities occurred, yet our veterans are still waiting for accountability and justice. Unfortunately, global political and security needs of the time often overshadowed their legitimate claims for justice, and these former POWs were once again asked to sacrifice for their country. Following the end of the war, for example, our government instructed many of the POWs held by Japan not to discuss their experiences and treatment. Some were even asked to sign non-disclosure agreements. Consequently, many Americans remain unaware of the atrocities that took place and the suffering our POWs endured.

Finally, after more than 50 years, a new effort is underway to seek compensation for the POWs from the private Japanese companies which profited from their labor.

Let me say at the outset, that this is not a dispute with the Japanese people and these are not claims against the Japanese government. Rather, these are private claims against the private Japanese companies that profited from the slave labor of our American soldiers who they held as prisoners. These are the same types of claims raised by survivors of the Holocaust against the private German corporations who forced them into labor.

Here in the Senate, we have been doing what we can to help these former prisoners of war. In June of last year, the Senate Judiciary Committee held a hearing on the claims being made by the former American POWs against the private Japanese companies, to determine whether the executive branch had been doing everything in its power to secure justice for these valiant men.

In the fall of last year, with the invaluable assistance of Senator FEINSTEIN, we were able to pass legislation declassifying thousands of Japanese Imperial Army records held by the U.S. government, to assist the POW's in the pursuit of their claims.

We can do even more. Recently, the State of California passed legislation extending the statute of limitations, under state law, to allow the POWs to bring monetary claims against the Japanese corporations that unlawfully employed them. Other States are contemplating such legislation.

The bill we are introducing today makes clear that any claims brought in state court, and subsequently removed to Federal court, will still have the benefit of the extended statute of limitations enacted by the state legislatures.

The legislators in California, and other States, have recognized the fairness of the allowing these claims to proceed for a decision on the merits. In light of the tangled history of this issue, including the role played by the U.S. government in discouraging these valiant men from pursuing their just claims, it is simply unfair to deny these men their day in court because their claims have supposedly grown stale.

These claims are not stale in their ability to inspire admiration for the men who survived this ordeal. These claims are not stale in their ability to inspire indignation against the corporations who flouted international standards of decency.

The statute of limitations should not be permitted to cut off these claims before they can be heard on the merits. Today's bill does nothing more than ensure that these valiant men receive their fair day in court.

I hope my fellow Senators will join with me, and with Senator FEINSTEIN, on this important legislation. These heroes of World War II have waited too long for a just resolution of their claims.

Mrs. FEINSTEIN. Mr. President, I rise alongside my colleague from Utah, Senator HATCH, to introduce the ''POW Assistance Act of 2001''.

This legislation makes an important statement in support of the many members of the U.S. Armed Forces who were used as slave labor by Japanese companies during the Second World War or subject to chemical and biological warfare experiments in Japanese POW camps.

The core of this bill is a clarification that in any pending lawsuit brought by former POWs against Japanese corporations, or any lawsuits which might be filed in the future, the Federal court shall apply the applicable statute of limitations of the State in which the action was brought.

This legislation is important because a recently enacted California law enables victims of WWII slave labor to seek damages up to the year 2010 against responsible Japanese companies, just as any citizen can sue a private company. Seventeen lawsuits have been filed on behalf of former POWs who survived forced labor, beatings, and starvation at the hands of Japanese companies. By asking Federal judges to look to the State statute of limitation, this legislation sends a clear message to the courts that we believe that suits with merit should not be precluded.

Today, too many Americans and Japanese do not know that American POWs performed forced labor for Japanese companies during the war.

American POWs, including those who had been forced through the Bataan Death March, were starved and denied adequate medical care and were forced to perform slave labor for private Japanese companies. American POWs toiled in mines, factories, shipyards, and steel mills. Many POWs worked virtually

every day for 10 hours or more, often under extremely dangerous working conditions. They were starved and denied adequate medical care. Even today, many survivors still suffer from health problems directly tied to their slave labor.

It is critical that we do not forget the heroism and sacrifice of the POWs, and that the United States government does not stand in the way of their pursuit of recognition and compensation. They have never received an apology or payment from the companies that enslaved them, many of which are still in existence today.

The bill that Senator HATCH and I have introduced today does not prejudice the outcome of the lawsuits which are pending one way or another. The legislation we have introduced today simply holds that the lawsuits filed in California, or any which may still be filed under the California statute of limitations, should be allowed to go forward so that this issue can be settled definitively, without impeding the right of the POWs to pursue justice.

One of my most important goals in the Senate has been to see the development of a Pacific Rim community that is peaceful and stable. And I am pleased that the Government of Japan today is a close ally and good friend of the United States, and a responsible member of the international community.

And I want to clarify that this legislation is not directed at the people or government of Japan. The POWs and veterans are only seeking justice from the private companies that enslaved them, and this legislation has been designed in the interest of allowing these claims to move forward.

But I also believe that if Japan is to play a greater role in the international community it is important for Japan, the United States, and other countries in the Asia-Pacific region to be able to reconcile interpretations of memory and history, especially of the Second World War. If, as Gerrit Gong has written, Japan aspires to be a normal country, this question of ''remembering and forgetting'' is critical if Japan hopes to forge an environment in which its neighbors ''do not object to that country's engaging in a full range of international activities and capabilities.''

The goal of this legislation is to remove this outstanding issue in U.S.-Japan relations, and to try to heal wounds that still remain. I hope that the Senate will see fit to support this bill.

By Mr. HARKIN:

S. 1273. A bill to amend the Public Health Service Act to provide for rural health services outreach, rural health network planning and implementation, and small health care provider quality improvement grant programs, and telehomecare demonstration projects; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have introduced the ''Improving Health Care in Rural America Act'' that continues a rural health outreach program that I worked to establish as a part of the fiscal year 1991 Labor, Health and Human Services appropriations bill. We began this innovative program to demonstrate the effectiveness of outreach programs to populations in rural areas that have trouble obtaining health and mental health services. Too often, these people are not able to obtain health care until they are acutely ill and need extensive and expensive hospital care.

Indeed, rural Americans are at triple jeopardy, they are more often poor, more often uninsured, and more often without access to health care. Rural America is home to a disproportionately large segment of older citizens who more often require long-term care for their illnesses and disabilities. And rural America is not immune from the social stresses of modern society. This is manifest by escalating needs for mental health services to deal with necessary alcohol- and drug-related treatment, and by the significantly higher rate of suicide in rural areas. Yet, rural Americans are increasingly becoming commuters for their health care. Rural Americans deserve to be treated equitably and the legislation that I rise to describe today helps bring high quality health care to rural communities to meet their specific needs.

This grant program has proven itself highly successful because it responds to local community needs and is directed by the people in the community. These innovative grants bring needed primary and preventive care to those people who have few other options. These grants also help link health and social services, thereby reaching the people that most need these services.

This program has received overwhelmingly positive response from all fifty States because it has had a tremendous impact on improving coordination between health care providers and expanding access to needed health care.

In Iowa, the Ida County Community Hospital receives funds to improve the quality of life for older people who are chronically ill by making home visits, providing pain management, and telmonitoring, and other needed services.

In Maquoketa, IA, every school-age child is being given timely, high quality care because the local school district used their grant to team up with almost every health care provider in the county to provide services.

In Mason City, IA, the North Iowa Mercy Health Center is collaborating with the Easter Seals Society of Northern Iowa, Rockwell Community Nursing, and the Pony Express Riders of Iowa to make sure seniors have access to physician, therapy, and dental services. This program also recycles and repairs assistive technology equipment to help seniors that are unable to afford new equipment.

The ''Improving Health Care in Rural America Act'' also establishes a telehomecare demonstration program for five separate projects to allow home health care professionals to provide some services through telehealth technologies. This program will allow rural residents to have better access to daily health care services and will reduce health care costs. This program is designed to improve patient access to care, quality of care, patient satisfaction with care while reducing the costs of providing care. Nurses and other health care professionals will be trained in how to use this advanced technology to provide better, more effective care. This programs applies the highly effective telehealth technology to an area of health care that will benefit greatly.

As ranking member and as chairman of the Labor-HHS Appropriations Subcommittee, I have been pleased to be able to provide funding for this program during the previous decade. This bill will extend this highly successful program for 5 more years and I look forward to provide its funding. Programs that work this well deserve the support of Congress.

I urge my colleagues to join me in supporting this important legislation and ask unanimous consent that the text 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. 1273

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 ''Improving Health Care in Rural America Act''.

SEC. 2. GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42 U.S.C. 254c) is amended to read as follows:

''SEC. 330A. RURAL HEALTH SERVICES OUTREACH, RURAL HEALTH NETWORK DEVELOPMENT, AND SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANT PROGRAMS.

''(a) PURPOSE.—The purpose of this section is to provide grants for expanded delivery of health services in rural areas, for the planning and implementation of integrated health care networks in rural areas, and for the planning and implementation of small health care provider quality improvement activities.

''(b) DEFINITIONS.—

''(1) DIRECTOR.—The term 'Director' means the Director specified in subsection (d).

''(2) FEDERALLY QUALIFIED HEALTH CENTER; RURAL HEALTH CLINIC.—The terms 'Federally qualified health center' and 'rural health clinic' have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

''(3) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' means a health professional shortage area designated under section 332.

''(4) HEALTH SERVICES.—The term 'health services' includes mental and behavioral health services and substance abuse services.

''(5) MEDICALLY UNDERSERVED AREA.—The term 'medically underserved area' has the meaning given the term in section 799B.

''(6) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

''(c) PROGRAM.—The Secretary shall establish, under section 301, a small health care provider quality improvement grant program.

''(d) ADMINISTRATION.—

''(1) PROGRAMS.—The rural health services outreach, rural health network development, and small health care provider quality improvement grant programs established under section 301 shall be administered by the Director of the Office of Rural Health Policy of the Health Resources and Services Administration, in consultation with State offices of rural health or other appropriate State government entities.

''(2) GRANTS.—

''(A) IN GENERAL.—In carrying out the programs described in paragraph (1), the Director may award grants under subsections (e), (f), and (g) to expand access to, coordinate, and improve the quality of essential health services, and enhance the delivery of health care, in rural areas.

''(B) TYPES OF GRANTS.—The Director may award the grants—

''(i) to promote expanded delivery of health services in rural areas under subsection (e);

''(ii) to provide for the planning and implementation of integrated health care networks in rural areas under subsection (f); and

''(iii) to provide for the planning and implementation of small health care provider quality improvement activities under subsection (g).

''(e) RURAL HEALTH SERVICES OUTREACH GRANTS.—

''(1) GRANTS.—The Director may award grants to eligible entities to promote rural health services outreach by expanding the delivery of health services to include new and enhanced services in rural areas. The Director may award the grants for periods of not more than 3 years.

''(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection for a project, an entity—

''(A) shall be a rural public or nonprofit private entity;

''(B) shall represent a consortium composed of members—

''(i) that include 3 or more health care providers or providers of services; and

''(ii) that may be nonprofit or for-profit entities; and

''(C) shall not previously have received a grant under this subsection or section 330A for the project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the applicant will carry out using the funds provided under the grant;

''(B) a description of the manner in which the project funded under the grant will meet the health care needs of rural underserved populations in the local community or region to be served;

''(C) a description of how the local community or region to be served will be involved in the development and ongoing operations of the project;

''(D) a plan for sustainability of the project after Federal support for the project has ended; and

''(E) a description of how the project will be evaluated.

''(f) RURAL HEALTH NETWORK DEVELOPMENT GRANTS.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director may award rural health network development grants to eligible entities to promote, through planning and implementation, the development of integrated health care networks that have integrated the functions of the entities participating in the networks in order to—

''(i) achieve efficiencies;

''(ii) expand access to, coordinate, and improve the quality of essential health services; and

''(iii) strengthen the rural health care system as a whole.

''(B) GRANT PERIODS.—The Director may award such a rural health network development grant for implementation activities for a period of 3 years. The Director may also award such a rural health network development grant for planning activities for a period of 1 year, to assist in the development of an integrated health care networks, if the proposed participants in the network have a history of collaborative efforts and a 3-year implementation grant would be inappropriate.

''(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity—

''(A) shall be a rural public or nonprofit private entity;

''(B) shall represent a network composed of members—

''(i) that include 3 or more health care providers or providers of services; and

''(ii) that may be nonprofit or for-profit entities; and

''(C) shall not previously have received a grant (other than a 1-year grant for planning activities) under this subsection or section 330A for the project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the applicant will carry out using the funds provided under the grant;

''(B) an explanation of the reasons why Federal assistance is required to carry out the project;

''(C) a description of—

''(i) the history of collaborative activities carried out by the participants in the network;

''(ii) the degree to which the participants are ready to integrate their functions; and

''(iii) how the local community or region to be served will benefit from and be involved in the activities carried out by the network;

''(D) a description of how the local community or region to be served will experience increased access to quality health services across the continuum of care as a result of the integration activities carried out by the network;

''(E) a plan for sustainability of the project after Federal support for the project has ended; and

''(F) a description of how the project will be evaluated.

''(g) SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—

''(1) GRANTS.—The Director may award grants to provide for the planning and implementation of small health care provider quality improvement activities. The Director may award the grants for periods of 1 to 3 years.

''(2) ELIGIBILITY.—In order to be eligible for a grant under this subsection, an entity—

''(A) shall be a rural public or nonprofit private health care provider, such as a critical access hospital or a rural health clinic;

''(B) shall be another rural provider or network of small rural providers identified by the Secretary as a key source of local care; or

''(C) shall not previously have received a grant under this subsection for the project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the applicant will carry out using the funds provided under the grant;

''(B) an explanation of the reasons why Federal assistance is required to carry out the project;

''(C) a description of the manner in which the project funded under the grant will assure continuous quality improvement in the provision of services by the entity;

''(D) a description of how the local community or region to be served will experience increased access to quality health services across the continuum of care as a result of the activities carried out by the entity;

''(E) a plan for sustainability of the project after Federal support for the project has ended; and

''(F) a description of how the project will be evaluated.

''(4) PREFERENCE.—In awarding grants under this subsection, the Secretary shall give preference to entities that—

''(A) are located in health professional shortage areas or medically underserved areas, or serve medically underserved populations; or

''(B) propose to develop projects with a focus on primary care, and wellness and prevention strategies.

''(h) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in this section, to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar grant programs, to maximize the effect of public dollars in funding meritorious proposals.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.''.

SEC. 3. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq) is amended by adding at the end the following:

"SEC. 330I. TELEHOMECARE DEMONSTRATION PROJECT.

''(a) DEFINITIONS.—In this section:

''(1) DISTANT SITE.—The term 'distant site' means a site at which a certified home care provider is located at the time at which a health service (including a health care item) is provided through a telecommunications system.

''(2) TELEHOMECARE.—The term 'telehomecare' means the provision of health services through technology relating to the use of electronic information, or through telemedicine or telecommunication technology, to support and promote, at a distant site, the monitoring and management of home health services for a resident of a rural area.

''(b) ESTABLISHMENT.—Not later than 9 months after the date of enactment of the Health Care Safety Net Amendments of 2001, the Secretary may establish and carry out a telehomecare demonstration project.

''(c) GRANTS.—In carrying out the demonstration project referred to in subsection (b), the Secretary shall make not more than 5 grants to eligible certified home care providers, individually or as part of a network of home health agencies, for the provision of telehomecare to improve patient care, prevent health care complications, improve patient outcomes, and achieve efficiencies in the delivery of care to patients who reside in rural areas.

''(d) PERIODS.—The Secretary shall make the grants for periods of not more than 3 years.

''(e) APPLICATIONS.—To be eligible to receive a grant under this section, a certified home care provider shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) USE OF FUNDS.—A provider that receives a grant under this section shall use the funds made available through the grant to carry out objectives that include—

''(1) improving access to care for home care patients served by home health care agencies, improving the quality of that care, increasing patient satisfaction with that care, and reducing the cost of that care through direct telecommunications links that connect the provider with information networks;

''(2) developing effective care management practices and educational curricula to train home care registered nurses and increase their general level of competency through that training; and

''(3) developing curricula to train health care professionals, particularly registered nurses, serving home care agencies in the use of telecommunications.

''(g) COVERAGE.—Nothing in this section shall be construed to supercede or modify the provisions relating to exclusion of coverage under section 1862(a) of the Social Security Act (42 U.S.C 1395y(a)), or the provisions relating to the amount payable to a home health agency under section 1895 of that Act (42 U.S.C. 1395fff).

''(h) REPORT.—

''(1) INTERIM REPORT.—The Secretary shall submit to Congress an interim report describing the results of the demonstration project.

''(2) FINAL REPORT.—Not later than 6 months after the end of the last grant period for a grant made under this section, the Secretary shall submit to Congress a final report—

''(A) describing the results of the demonstration project; and

''(B) including an evaluation of the impact of the use of telehomecare, including telemedicine and telecommunications, on—

''(i) access to care for home care patients; and

''(ii) the quality of, patient satisfaction with, and the cost of, that care.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.''.

By Mr. KENNEDY (for himself, Mr. FRIST Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, Ms. COLLINS, Mr. BINGAMAN, Mr. EDWARDS, Mrs. MURRAY, and Mr. SESSIONS):

S. 1274. A bill to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HUTCHINSON, Mr. DODD, Ms. COLLINS, Mr. BINGAMAN, Mr. FEINGOLD, Mrs. MURRAY, Mr. EDWARDS, and Mr. CORZINE):

S. 1275. A bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today with Senator KENNEDY to introduce two pieces of legislation, the STOP Stroke Act and the Community Access to Emergency Defibrillation Act. These bills represent our next step in the battle against cardiac arrest and stroke and are critical to increasing access to timely, quality health care.

The first bill we are introducing today focuses attention on stroke, the third leading cause of death and the leading cause of serious, long-term disability in the United States, through the implementation of a prevention and education campaign, the development of the Paul Coverdell Stroke Registry and Clearinghouse, and the provision of grants for statewide stroke care systems and for medical professional development. The untimely death of Senator Paul Coverdell points to the need to provide more comprehensive stroke care and to learn more about providing better quality care to the more than 700,000 Americans who experience a stroke each year. Our first step in doing so is the introduction of the Stroke Treatment and Ongoing Prevention Act (STOP Stroke Act).

One of the most significant factors that affects stroke survival rates is the speed with which one obtains access to health care services. About 47 percent of stroke deaths occur out of the hospital. Many patients do not recognize the signs of a stroke and attribute the common symptoms, such as dizziness, loss of balance, confusion, severe headache or numbness, to other less severe ailments. To increase awareness of this public health problem, the Secretary of Health and Human Services will implement a national, multimedia campaign to promote stroke prevention and encourage those with the symptoms of stroke to seek immediate treatment. This crucial legislation also provides for special programs to target high risk populations. For the professional community, continuing education grants are included to train physicians in newly-developed diagnostic approaches, technologies, and therapies for prevention and treatment of stroke. With a more informed public and up-to-date physicians, our ability to combat the devastating effects of a stroke will be enhanced.

The Paul Coverdell National Acute Stroke Registry and Clearinghouse, authorized in the STOP Stroke Act, establish mechanisms for the collection, analysis, and dissemination of valuable information about best practices relating to stroke care and the development of stroke care systems. In order to facilitate the process of implementing statewide stroke prevention, treatment, and rehabilitation systems that reflect the research gathered by the Registry and Clearinghouse, grants will be made available to States that will ensure that stroke patients have access to quality care.

These legislative efforts have already proved successful. Lives are being saved. We can do more.

Therefore, we are moving today to expand on these successes by introducing the Community Access to Emergency Defibrillation Act. This important legislation will provide $50 million for communities to establish public access defibrillation programs that will train emergency medical personnel, purchase AEDs for placement in public areas, ensure proper maintenance of defibrillators, and evaluate the effectiveness of the program.

Each year, over 250,000 Americans suffer sudden cardiac arrest. Sudden cardiac arrest is a common cause of death during which the heart suddenly stops functioning. Most frequently, cardiac arrest occurs when the electrical impulses that regulate the heart become rapid, ventricular tachycardia, or chaotic, ventricular fibrillation, causing the heart to stop beating altogether. As a result, the individual collapses, stops breathing and has no pulse. Often, the heart can be shocked back into a normal rhythm with the aid of a defibrillator. This is exactly what happened when I resuscitated a patient using cardiopulmonary resuscitation, CPR, and electrical cardioversion in the Dirksen Senate Office Building in 1995.

When a person goes into cardiac arrest, time is of the essence. Without defibrillation, his or her chances of survival decrease by about 10 percent with

every minute that passes. Thus, having an automated external defibrillator, AED, accessible is not only important, but also could save lives. AEDs are portable, lightweight, easy to use, and are becoming an essential part of administering first aid to victims of sudden cardiac arrest.

We have seen that in places where AEDs are readily available, survival rates can increase by 20–30 percent. In some settings, survival rates have even reached 70 percent. Therefore, Congress has taken several important steps to increase access to AEDs over the past two Congresses.

In the 105th Congress, I authored the Aviation Medical Assistance Act. This bill directed the Federal Aviation Administration to decide whether to require AEDs on aircraft and in airports. As a result of this law, many airlines now carry AEDs on board, and some airports have placed AEDs in their terminals. At Chicago O'Hare, just four months after AEDs were placed in that airport, four victims were resuscitated using the publicly available AEDs.

In the last Congress, we passed two important bills expanding the availability of AEDs: the Cardiac Arrest Survival Act and the Rural Access to Emergency Devices Act. Respectively, these bills address the placement of automated external defibrillators, AEDs, in Federal buildings and provide liability protection to persons or organizations who use AEDs, as well as grants to community partnerships to enable them to purchase AEDs. The bills also provide defibrillator and basic life support training.

I am pleased to introduce these important pieces of legislation and I look forward to their ultimate enactment into law. I want to thank my colleague, Senator KENNEDY, for his work on these life saving proposals.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleague, Senator FRIST, to introduce the Stroke Treatment and Ongoing Prevention Act. Stroke is a cruel affliction that takes the lives and blights the health of millions of Americans. Senator FRIST and I have worked closely on legislation to establish new initiatives to reduce the grim toll taken by stroke, and I commend him for his leadership. We are joined in proposing this important legislation by our colleagues on the Health Committee, Senators DODD, HUTCHINSON, JEFFORDS, COLLINS, BINGAMAN, EDWARDS, and MURRAY. The STOP Stroke Act is also supported by a broad coalition of organizations representing patients and the health care community.

Stroke is a national tragedy that leaves no American community unscarred.

Stroke is the third leading cause of death in the United States. Every minute of every day, somewhere in America, a person suffers a stroke. Every three minutes, a person dies from one. Strokes take the lives of nearly 160,000 Americans each year. Even for those who survive an attack, stroke can have devastating consequences. Over half of all stroke survivors are left with a disability.

Since few Americans recognize the symptoms of stroke, crucial hours are often lost before patients receive medical care. The average time between the onset of symptoms and medical treatment is a shocking 13 hours. Emergency medical technicians are often not taught how to recognize and manage the symptoms of stroke. Rapid administration of clot-dissolving drugs can dramatically improve the outcome of stroke, yet fewer than 3 percent of stroke patients now receive such medication. If this lifesaving medication were delivered promptly to all stroke patients, as many as 90,000 Americans could be spared the disabling aftermath of stroke.

Even in hospitals, stroke patients often do not receive the care that could save their lives. Treatment of patients by specially trained health care providers increases survival and reduces disability due to stroke, but a neurologist is the attending physician for only about one in ten stroke patients. To save lives, reduce disabilities and improve the quality of stroke care, the Stroke Treatment and Ongoing Prevention, STOP Stroke, Act authorizes important public health initiatives to help patients with symptoms of stroke receive timely and effective care.

The Act establishes a grant program for States to implement systems of stroke care that will give health professionals the equipment and training they need to treat this disorder. The initial point of contact between a stroke patient and medical care is usually an emergency medical technician. Grants authorized by the Act may be used to train emergency medical personnel to provide more effective care to stroke patients in the crucial first few moments after an attack.

The Act provides important new resources for States to improve the standard of care given to stroke patients in hospitals. The legislation will assist States in increasing the quality of stroke care available in rural hospitals through improvements in telemedicine.

The Act directs the Secretary of Health and Human Services to conduct a national media campaign to inform the public about the symptoms of stroke, so that patients receive prompt medical care. The bill also creates the Paul Coverdell Stroke Registry and Clearinghouse, which will collect data about the care of stroke patients and assist in the development of more effective treatments.

Finally, the STOP Stroke Act establishes continuing education programs for medical professionals in the use of new techniques for the prevention and treatment of stroke.

These important new initiatives can make a difference in the lives of the thousands of American who suffer a stroke every year. For patients experiencing a stroke, even a few minutes' delay in receiving treatment can make the difference between healthy survival and disability or death. The Act will help make certain that those precious minutes are not wasted.

Increased public information on the symptoms of stroke will help stroke patients and their families know to seek medical care promptly. Better training of emergency medical personnel will help ensure that stroke patients receive lifesaving medications when they are most effective. Improved systems of stroke care will help patients receive the quality treatment needed to save lives and reduce disability.

This legislation can make a real difference to every community in America, and I urge my colleagues to join Senator FRIST and myself in supporting the STOP Stroke Act.

I ask unanimous consent that additional material and letters of support relating to this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STROKE TREATMENT AND ONGOING PREVENTION ACT OF 2001

BACKGROUND AND NEED FOR LEGISLATION

Stoke is the third leading cause of death in the United States, claiming the life of one American every three and a half minutes. Those who survive stroke are often disabled and have extensive health care needs. The economic cost of stroke is staggering. The United States spends over $30 billion each year on caring for persons who have experienced stroke.

Prompt treatment of patients experiencing stroke can save lives and reduce disability, yet thousands of stroke patients do not receive proper therapy during the crucial window of time when it is most effective. Rapid administration of clot-dissolving drugs can dramatically improve the outcome of stroke, yet fewer than 3 percent of stroke patients now receive such medication. Treatment of patients by specially trained health care providers increases survival and reduces disability due to stroke, but a neurologist is the attending physician for only about one in ten stroke patients. Most Americans cannot identify the signs of stroke and even emergency medical technicians are often not taught how to recognize and manage its symptoms. Even in hospitals, stroke patients often do not receive the care that could save their lives. To saves lives, reduce disability and improve the quality of stroke care, the Stroke Treatment and Ongoing Prevention, STOP Stroke, Act authorizes the following important public health initiatives.

Stroke prevention and education campaign

The STOP Stroke Act provides $40 million, fiscal year 2002, for the Secretary to carry out a national, multi-media awareness campaign to promote stroke prevention and encourage stroke patients to seek immediate treatment. The campaign will be tested for

effectiveness in targeting populations at high risk for stroke, including women, senior citizens, and African-Americans. Alternative campaigns will be designed for unique communities, including those in the nation's ''Stoke belt,'' a region with a particularly high rate of stroke incidence and mortality.

Paul Coverdell Stroke Registry and Clearinghouse

The STOP Stroke Act authorizes the Paul Coverdell Stroke Registry and Clearinghouse to collect data about the care of acute stroke patients and foster the development of effective stroke care systems. The clearinghouse will serve as a resource for States seeking to design and implement their own stroke care systems by collecting, analyzing and disseminating information on the efforts of other communities to establish similar systems. Special consideration will be given to the unique needs of rural facilities and those facilities with inadequate resources for providing quality services for stroke patients. The Secretary is also authorized to conduct and support research on stroke care. Where suitable research has already been conducted, the Secretary is charged with disseminating this research to increase its effectiveness in improving stroke care.

Grants for statewide stroke care systems

The Secretary will award grants to States to develop and implement statewide stroke prevention, treatment, and rehabilitation systems. These systems must ensure that stroke patients in the State have access to quality care. The Secretary is also authorized to award planning grants to States to assist them in developing statewide stroke care systems. Each State that receives a grant will: implement curricula for training emergency medical services personnel to provide pre-hospital care to stroke patients; curricula may be modeled after a curriculum developed by the Secretary; have the option of identifying acute stroke centers, comprehensive stroke treatment centers, and/or stroke rehabilitation centers; set standards of care and other requirements for facilities providing services to stroke patients; specify procedures to evaluate the statewide stroke care system; and collect and analyze data from each facility providing care to stroke patients in the State to improve the quality of stroke care provided in that State.

The Act authorizes this grant program at $50 million for fiscal year 2002, $75 million for fiscal years 2003 and 2004, $100 million for fiscal year 2005, and $125 million for fiscal year 2006.

Medical professional development

The STOP Stroke Act provides grant authority to the Secretary for public and nonprofit entities to develop and implement continuing education programs in the use of new diagnostic approaches, technologies, and therapies for the prevention and treatment of stroke. Grant recipients must have a plan for evaluation of activities carried out with the funding. The Secretary must ensure that any grants awarded are distributed equitably among the regions of the United States and between urban and rural populations.

Secretary's role

In addition to carrying out the national education campaign, operating the clearinghouse and registry, and awarding grants to States, the Secretary will: develop standards of care for stroke patients that may be taken into consideration by States applying for grants; develop a model curriculum that States may adopt for emergency medical personnel; develop a model plan for designing and implementing stroke care systems, taking into consideration the unique needs of varying communities; report to Congress on the implementation of the Act in participating States.

In carrying out the STOP Stroke Act, the Secretary will consult widely with those having expert knowledge of the needs of patients with stroke.

KEY STROKE FACTS

The devastating effects of stroke

There are roughly 700,000–750,000 strokes in the U.S. each year.

Stroke is the 3rd leading cause of death in the U.S.

Almost 160,000 Americans die each year from stroke.

Every minute in the U.S., an individual experiences a stroke. Every 3.3 minutes an individual dies from one.

Over the course of a lifetime, four out of every five families in the U.S. will be touched by stroke.

Roughly 1/3 of stroke survivors have another one within five years.

Currently, there are four million Americans living with the effects of stroke.

15 percent to 30 percent of stroke survivors are permanently disabled. 55 percent of stroke survivors have some level of disability.

40 percent of these patients feel they can no longer visit people; almost 70 percent report that they cannot read; 50 percent need day-hospital services; 40 percent need home help; 40 percent have a visiting nurse; and 14 percent need Meals on Wheels.

22 percent of men and 25 percent of women who have an initial stroke die within one year.

The staggering costs of stroke

Stroke costs the U.S. $30 billion each year.

The average cost per patient for the first 90 days following a stroke is $15,000.

The lifetime costs of stroke exceed $90,000 per patient for ischemic stroke and over $225,000 per patient for subarachnoid hemorrhage.

Improvements can be made

When a stroke unit was first established at Mercy General Hospital in Sacramento, CA in December of 1990, the average length of stay for a Medicare stroke patient in the immediate care setting was 7 days and total hospital charges per patient were $14,076. By June of 1994, the average length of stay was 4.6 days and the charges per patient were $10,740. Overall, in the three and a half years during which the stroke unit was in operation, Mercy General's charges to Medicare for stroke patients declined $1,621,296.

In a national survey of acute stroke teams ASTs, Duke University researchers found that the majority of ASTs cost only $0–$5,000, far less than the average cost for hospitalization of stroke patients.

STROKE PATIENTS OFTEN DO NOT RECEIVE EFFECTIVE TREATMENTS

Nationally, only 2 percent to 3 percent of patients with stroke are being treated with the clot-busting drug, tPA.

In the year following FDA approval of tPA, it was determined that only 1.5 percent of patients who might have been candidates for tPA therapy actually received it.

In a study of North Carolina's stroke treatment facilities, 66 percent of hospitals did not have stroke protocols and 82 percent did not have rapid identification for patients experiencing acute stroke.

A recent study of Cleveland, OH found that only 1.8 percent of area patients with ischemic stroke received tPA.

In a 1995 study of the Reading, Ohio Emergency Medical Services System EMS, almost half of all stroke patients who went through the MES system were dispatched as having something other than stroke and a quarter of all patients identified as having stroke by paramedics were later discovered to have another cause for their illness.

Out of 1000 hours of training for paramedics in Cincinnati, only 1 percent is devoted to recognition and management of acute stroke.

A 1993 study of patients who had a stroke while they were inpatient found a median delay between stroke recognition and neurological evaluation of 2.5 hours.

Neurologists are the attending physicians for only 11 percent of acute stroke patients.

PUBLIC AWARENESS OF STROKE SYMPTOMS IS POOR

In a 1989 survey by the American Heart Association of 500 San Francisco residents, 65 percent of those surveyed were unable to correctly identify any of the early stroke warning signs when given a list of symptoms.

In a national survey conducted by the American Heart Association, 29 percent of respondents could not name the brain as the site of a stroke and only 44 percent identified weakness or loss of feeling in an arm or leg as a symptom of stroke.

The International Stroke Trial found that only 4 percent of the 19,000 patients studied presented within 3 hours of symptom onset only 16 percent presented within 6 hours.

TPA FACTS

A seminal NIH study found an 11 to 13 percent increase in the number of tPA-treated patients exhibiting minimal or no neurological deficits or disabilities compared with placebo treated patients.

That same study reported a 30 to 55 percent relative improvement in clinical outcome for tPA-treated patients compared with placebo-treated patients.

NATIONAL ORGANIZATIONS SUPPORTING THE STOP STROKE ACT OF 2001

American Academy of Neurology
American Academy of Physical Medicine and Rehabilitation
American Association of Neurological Surgeons
American College of Chest Physicians
American College of Emergency Physicians
American College of Preventive Medicine
American Heart Association/American Stroke Association
American Physical Therapy Association
American Society of Interventional and Therapeutic Neuroradiology
American Society of Neuroradiology
Association of American Medical Colleges
Association of State and Territorial Chronic Disease Program Directors
Association of State and Territorial Directors of Health Promotion and Public Health Education
Boston Scientific
Brain Injury Association
Congress of Neurological Surgeons
Emergency Nurses Association
Genentech, Inc.
National Association of Public Hospitals and Health Systems
National Stroke Association
North American Society of Pacing and Electrophysiology
Partnership for Prevention
Society of Cardiovascular and Interventional Radiology
Stroke Belt Consortium
The Brain Attack Coalition which is made up of the following advocacy organizations:

American Academy of Neurology
American Association of Neurological Surgeons
American Association of Neuroscience Nurses
American College of Emergency Physicians
American Heart Association/American Stroke Association
American Society of Neuroradiology
National Stroke Association
Stroke Belt Consortium

AMERICAN HEART ASSOCIATION,
Dallas, TX, July 20, 2001.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the American Heart Association, our American Stroke Association division and our more than 22.5 million volunteers and supporters, thank you for leading the fight against stroke—the nation's third leading cause of death.

It has been our privilege to work with you and your staff to draft the Stroke Treatment and Ongoing Prevention Act (STOP Stroke Act). This vital legislation will help raise public awareness about stroke and dramatically improve our nation's stroke care. More specifically, the legislation will conduct a national stroke education campaign; provide critical resources for states to implement statewide stroke care systems; establish a clearinghouse to support communities aiming to improve stroke care; offer medical professional development programs in new stroke therapies; and conduct valuable stroke care research.

Stroke touches the lives of almost all Americans. Today, 4.5 million Americans are stroke survivors, and as many as 30 percent of them are permanently disabled, requiring extensive and costly care. In Massachusetts alone, stroke kills more than 3,300 people every year. Unfortunately, most Americans know very little about this disease. On average, stroke patients wait 22 hours after the one set of symptoms before receiving medical care. In addition, many health are facilities are not equipped to treat stroke aggressively like other medical emergencies.

Your legislation helps build upon our successful stroke programs. In 1998, the American Hearth Association launched a bold initiative—Operation Stroke—to improve stroke care in targeted communities across the country by strengthening the stroke ''Chain of Survival.'' The Chain is a series of events that must occur to improve stroke care and includes rapid public recognition and reaction to stroke warning signs; rapid assessment and pre-hospital care; rapid hospital transport; and rapid diagnosis and treatment.

The STOP Stroke Act will help ensure that the stroke Chain of Survival is strong in every community across the nation and that every stroke patient has access to quality care. We strongly support this legislation and look forward to continuing to work with you and Senator Frist to fight this devastating disease. Thank you again for your leadership and vision!

Sincerely,

LAWRENCE B. SADWIN,
Chairman of the Board.
DAVID P. FAXON, M.D.,
President.

NATIONAL STROKE ASSOCIATION,
Englewood, CO, March 8, 2001.

Hon. EDWARD KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing on behalf of the national Stroke Association (NSA) to express our strong commitment to helping you bring attention to, and secure passage of, the ''Stroke Treatment and Ongoing Prevention Act of 2001'' (the ''STOP Stroke Act'').

NSA is a leading independent, national nonprofit organization which dedicates 100 percent of its resources to stroke including prevention, treatment, rehabilitation, research, advocacy and support for stroke survivors and their families. Our mission is to reduce the incidence and impact of stroke—the number one cause of adult disability and 3rd leading cause of death in America.

NSA believes that your proposed legislation is historic—never before has comprehensive legislation been introduced to address this misunderstood public health problem. In fact, stroke has not been given the level of attention, focus or resources commensurate with the terrible toll it takes on Americans in both human and economic terms. We are grateful for your leadership in bringing this issue to the top of the public health agenda.

The STOP Stroke Act clearly recognizes an urgent need to build more effective systems of patient care and to increase public awareness about stroke. We are hopeful that the Stroke Prevention and Education Campaign which it authorizes will go a long way toward disseminating the most accurate and timely information regarding stroke prevention and the importance of prompt treatment. NSA is encouraged that the state grant program will facilitate the establishment of a comprehensive network of stroke centers to reduce the overwhelming disparity in personnel, technology, and other resources and target assistance to some of the smaller, less advanced facilities. We also believe that the research program is a necessary component of the STOP Stroke Act in order to assess and monitor barriers to access to stroke prevention, treatment, and rehabilitation services, and to ultimately raise the standard of care for those at risk, suffering or recovering from stroke.

Over the past few months NSA has convened leaders in medicine, nursing, rehabilitation, healthcare, business, and advocacy to work with your staff on developing this important legislation. NSA is pleased to have contributed its ideas and expertise on this critical health issue. We look forward to working in partnership with you and your colleagues on getting the legislation passed by Congress.

Please count on us to work with you in any way possible to ensure we STOP stroke.

Sincerely,

PATTI SHWAYDER,
Executive Director/CEO.

AMERICAN ASSOCIATION OF NEUROLOGICAL SURGEONS; CONGRESS OF NEUROLOGICAL SURGEONS,
Washington, DC, March 5, 2001.

Hon. TED KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The American Association of Neurological Surgeons (AANS) and the Congress of Neurological Surgeons (CNS), representing over 4,500 neurosurgeons in the United States, thank you for your leadership and vision in crafting the ''STOP Stroke Act (Stroke Treatment and Ongoing Prevention Act) of 2001.'' We strongly endorse this bill and pledge to work with you to ensure its passage. Your legislation would not only educate the public about the burden of stroke and stroke-related disability, but would encourage states to develop stroke planning systems through the matching grant concept.

Stroke is the nation's third leading cause of death and is the leading cause of disability in our country creating a huge human and financial burden associated with this disease. The advances in research and treatment related to stroke over the last decade have been truly remarkable. For example, surgical techniques such as carotid endarterectomy have been proven effective and saved lives. Also, the discovery of therapeutic drugs that can be administered within three hours of the onset of a stroke have allowed many survivors to recover in a way that was impossible to imagine in even recent years.

What was once viewed as an untreatable and devastating disease has the potential to become as commonly treatable as heart attacks if appropriate resources are directed to the problem. Senator Kennedy, your legislation will allow all Americans to take advantage of these rapid advances in stroke treatment and prevention.

Once again, we strongly endorse this legislation. On behalf of all neurosurgeons and the patients we serve, thank you for your leadership on this issue. Please feel free to contact us should you need further assistance.

Sincerely,

STEWART B. DUNSKER, MD,
President, American Association of Neurological Surgeons.
ISSAM A. AWAD, MD,
President, Congress of Neurological Surgeons.

NATIONAL ASSOCIATION OF PUBLIC HOSPITALS AND HEALTH SYSTEMS,
Washington, DC, March 22, 2001.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing on behalf of the National Association of Public Hospitals & Health Systems (NAPH) to express our support for the ''STOP Stroke Act of 2001,'' legislation to help states improve the level of stroke care that is offered to patients and to improve public education about the importance of seeking early emergency care to combat the effects of stroke.

NAPH represents more than 100 of America's metropolitan area safety net hospitals and health systems. The mission of NAPH members is to provide health care services to all individuals, regardless of insurance status or ability to pay. More than 54 percent of the patients served by NAPH systems are either Medicaid recipients or Medicare beneficiaries; another 28 percent are uninsured.

We applaud your efforts to raise public awareness about the signs and symptoms of this pernicious disease and to assure that all Americans—including our nation's poorest and most vulnerable—have access to state-of-the-art stroke treatment. In particular, we are pleased that your legislation would:

Establish a grant program to provide funding to states—with a particular focus on raising the level of stroke treatment in underserved areas—to assure that all patients have access to high-quality stroke care;

Ensure that all appropriate medical personnel are provided access to training in

newly developed approaches for preventing and treating stroke;

Authorize a national public awareness campaign to educate Americans about the signs and symptoms of stroke and the importance of seeking emergency treatment as soon as symptoms occur; and,

Create a comprehensive research program to identify best practices, barriers to care, health disparities, and to measure the effectiveness of public awareness efforts.

NAPH has long supported efforts to assure that all Americans are afforded access to the highest quality health care services and most current technology that is available. Indeed, it is critical that facilities that provide acute care services to stroke patients have the resources necessary to assure patients access to a minimum standard of stroke care. Unfortunately, uncompensated care costs and high rates of uninsured patients often make it difficult for safety net providers to dedicate sufficient resources to meet these goals.

We are pleased that your legislation, through its state grants program, attempts to direct additional resources toward the providers that are most in need of updating their stroke care systems. We urge you to consider amending your legislation to allow local government and safety net providers to participate directly in this grants program. Allowing public hospitals and other safety net providers who seek to improve their stroke care infrastructure to apply for these grants will go a long way toward assuring that the providers most in need of these resources get access to them.

As the American population ages and promising discoveries are being made to improve the early detection and treatment of stroke, it is becoming increasingly important that additional resources be directed at stroke awareness, prevention and treatment programs. And, as federal funds are provided, it is critical that all of our citizens, in particular those who frequently slip through the cracks, are given access to the best available stroke-related specialists, diagnostic equipment and life-saving treatments and therapies.

We thank you for your ongoing leadership in developing legislation to preserve and improve our nation's public health systems and the healthy care safety net. We look forward to working with you further to develop solutions to the problems of our nation's poor and uninsured.

Sincerely,

LARRY S. GAGE,
President.

PARTNERSHIP FOR PREVENTION,
Washington, DC, March 16, 2001.

Re Stroke Treatment and Ongoing Prevention Act of 2001.

Hon. EDWARD KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: We commend the introduction of the Stroke Treatment and Ongoing Prevention Act of 2001 (STOP Stroke Act). As you well know, stroke is the third leading cause of death in the United States, a principal cause of cardiovascular disease death, and a major cause of disability for Americans.

The STOP Stroke Act creates a framework for the nation to begin systematically addressing some important tertiary stroke prevention issues, namely timely diagnosis and treatment. We concur that much more can and should be done to ensure stroke patients are treated according to clinical guidelines based on up-to-date scientific evidence.

Investing in primary and secondary prevention is the best strategy for stopping stroke. Hypertension is the top contributor to stroke, followed by heart disease, diabetes, and cigarette smoking. According to the National Institutes of Health and the Centers for Disease Control and Prevention (CDC), prevention of stroke requires addressing the critical risk factors.

To prevent or delay hypertension, experts at both agencies recommend community-based interventions that promote healthy diets, regular physical activity, tobacco cessation, and limited alcohol intake. The Public Health Service's clinical guidelines on treating tobacco use and dependence is another resource to help Americans kick the habit. Lifestyle modifications for hypertension prevention not only contribute to overall cardiovascular health, but also reduce risk factors associated with other chronic diseases (e.g., obesity, diabetes, and cancer).

A second essential step is to improve management of hypertension once it develops. Recent studies indicate effective hypertension treatment can cut stroke incidence and fatality rates by at least a third. To advance hypertension treatment, we must invest in disease management systems that enable health care providers to prescribe the most effective therapies and assist patients with pharmacological regimens and healthy lifestyles.

The main prevention components in the STOP Stroke Act (i.e., the proposed research program and national stroke awareness campaign) should be coordinated with—and even integrated into—the CDc comprehensive cardiovascular disease program. Involving nearly every state, this program offers an integrated network that is addressing the underlying causes of stroke and other cardiovascular diseases.

Partnership welcomes the STOP Stroke Act and its intent to address stroke, a serious health problem. We also encourage strengthened primary and secondary prevention policies to protect health before strokes happen.

Sincerely yours,

ASHLEY B. COFFIELD,
President.

BRAIN ATTACK COALITION,
Bethesda, MD, May 7, 2001.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The Brain Attack Coalition is a group of professional, voluntary and governmental organizations dedicated to reducing the occurrence, disabilities and death associated with stroke.

Stroke is our nations third leading cause of death and the leading cause of adult long-term disability. Recent advances in stroke treatment can lead to improved outcomes if stroke patients are treated shortly after symptom onset. Currently only two to three percent of stroke patients who are candidates for thrombolytic therapy receive it. This must be remedied.

We urgently need to educate the public about stroke symptoms and the importance of seeking medical attention immediately. We also need to provide training to medical personnel in the new approaches for treating and preventing stroke. The Stroke Treatment and Ongoing Prevention Act of 2001 (STOP Stroke Act) is designed to address these issues and to establish a grant program to provide funding to states to help ensure that stroke patients in each state have access to high-quality stroke care.

The members of the Brain Attack Coalition strongly support the STOP Stroke Act and hope for prompt enactment of this legislation. Please not that the National Institute of Neurological Disorders and Stroke and the Centers for Disease Control and Prevention are not included in this endorsement because the Administration has not taken a position on the legislation.

Sincerely,

MICHAEL D. WALKER, M.D.,
Chair, Brain Attack Coalition.

AMERICAN PHYSICAL THERAPY ASSOCIATION,
Alexandria, VA, June 13, 2001.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express the strong support of the American Physical Therapy Association (APTA) for the ''Stroke Treatment and Ongoing Prevention Act of 2001,'' which you plan to introduce soon.

As you know, stroke is the third leading cause of death in the United States, and is one of the leading causes of adult disability. APTA believes your legislation is critical to establishing a comprehensive system for stroke prevention, treatment and rehabilitation in the United States. We appreciate your modification to the legislation to highlight the important role physical therapists play in stroke prevention and rehabilitation.

Every day, physical therapists across the nation help approximately 1 million people alleviate pain, prevent the onset and progression of impairment, functional limitation, disability, or changes in physical function and health status resulting from injury, disease, or other causes. Essential participants in the health care delivery system, physical therapists assume leadership roles in rehabilitation services, prevention and health maintenance programs. They also play important roles in developing health care policy and appropriate standards for the various elements of physical therapists practice to ensure availability, accessibility, and excellence in the delivery of physical therapy services.

Again, thank you for your leadership on this issue. Please call upon APTA to assist in the passage of this important legislation.

Sincerely,

BEN F. MASSEY, PT,
President.

Mr. KENNEDY. Mr. President, today Senator FRIST and I are introducing the ''Community Access to Emergency Defibrillation Act of 2001.''

Every 2 minutes, sudden cardiac arrest strikes down another person. Cardiac arrest can strike at any time without any warning. Without rapid intervention, is unavoidable.

One thousand people will die today from cardiac arrest, and 200,000 people will lose their lives this year to this devastating disease. The good news is that we know that 90 percent of cardiac arrest victims can be saved, if immediate access is available to an automated external defibrillator, an AED.

We could save thousands of lives every year if AEDs are available in every public building. Yet few communities have programs to make this technology widely accessible.

That is why Senator FRIST and I today are introducing the ''Community

AED Act''. Its goal is to provide funding for programs to increase access to emergency defibrillation. It will place AEDs in public areas like schools, workplaces, community centers, and other locations where people gather. It will provide training to use and maintain the devices, and funding for coordination with emergency medical personnel.

Furthermore, it also funds the development of community-based projects to enhance AED access and place them in unique settings where access is more difficult to achieve. Our bill also emphasizes monitoring cardiac arrest in children and putting AEDs in schools—so that we can also deal with cardiac arrest when it affects our youth.

Sudden cardiac arrest is a tragedy for families all across America. Communities that have already implemented programs to increase public access to AEDs—like the extremely successful ''First Responder Defibrillator Program'' in Boston—have been able to achieve survival rates of up to 50 percent. That's 100,000 lives that we can save each year if every community implements a program like this one. This bill will enable communities to save lives in public buildings, in workplaces, and in schools all across the nation, and I urge you to stand with Senator FRIST and I in support of this legislation—legislation that will have a lifesaving impact on us all.

I ask unanimous consent that a bill summary for the ''Community Access to Emergency Defibrillation Act of 2001'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COMMUNITY ACCESS TO EMERGENCY DEFIBRILLATION ACT OF 2001

BACKGROUND AND NEED FOR LEGISLATION

Cardiac arrest is not a heart attack—it is instant heart paralysis for which defibrillation is the only effective treatment. Every minute that passes after a cardiac arrest, a person's chance of surviving decreases by 10 percent. Cardiac arrest takes a tremendous toll on the American public; each year, it kills over 220,000 people.

The good news is that 90 percent of cardiac arrest victims who are treated with a defibrillator within one minute of arrest can be saved. In addition, cardiac arrest victims who are treated with CPR within four minutes and defibrillation within ten minutes have up to a 40 percent chance of survival. However, few communities have programs to make emergency defibrillation widely accessible to cardiac arrest victims. Communities that have implemented public access programs have achieved average survival rates for out-of-hospital cardiac arrest as high as 50 percent.

Automated external defibrillators, AEDs, have a 95 percent success rate in terminating ventricular fibrillation. Wide use of defibrillators could save as many as 50,000 lives nationally each year, yet fewer than half of the nation's ambulance services, 10–15 percent of emergency service fire units, and less than 1 percent of police vehicles are equipped with AEDs.

The Community Access to Emergency Defibrillation, Community AED Act, provides for the following public health initiatives to increase public awareness of emergency defibrillation and to expand public access to lifesaving AEDs:

Community Grants Program to establish comprehensive initiatives to increase public access to AEDs

The Community AED Act provides $50 million for communities to establish public access defibrillation programs. Communities receiving these grants will: train local emergency medical services personnel to administer immediate care, including CPR and automated external defibrillation, to cardiac arrest victims; purchase and place automated external defibrillators in public places where cardiac arrests are likely to occur; train personnel in places with defibrillators to use them properly and administer CPR to cardiac arrest victims; inform local emergency medical services personnel, including dispatchers, about the location of defibrillators in their community; train members of the public in CPR and automated external defibrillation; ensure proper maintenance and testing of defibrillators in the community; encourage private companies in the community to purchase automated external defibrillators and train employees in CPR and emergency defibrillation; and collect data to evaluate the effectiveness of the program in decreasing the out-of-hospital cardiac arrest survival rate in the community.

Community demonstration projects to develop innovative AED access programs

The Community AED Act provides $5 million for community-based demonstration projects. Grantees will develop innovative approaches to maximize community access to automated external defibrillation and provide emergency defibrillation to cardiac arrest victims in unique settings. Communities receiving these grants must meet many of the same requirements for equipment maintenance, public information, and data collection included in the larger grants program.

National Clearinghouse to promote AED access in schools

The Community AED Act provides for a national information clearinghouse to provide information to increase public awareness and promote access to defibrillators in schools. This center will also establish a database for information on sudden cardiac arrest in youth and will provide assistance to communities wishing to develop screening programs for at risk youth.

The Community AED Act is supported by these and other leading health care organizations:

American Heart Association; American Red Cross; Agilent Technologies; American College of Emergency Physicians'; Cardiac Science; Citizen CPR Foundation; Congressional Fire Services Institute; Medical Device Manufacturers Association; Medical Research Laboratories, Inc.; Medtronic; MeetingMed: National Center for Early Defibrillation; National Emergency Medical Services Academy; National Fire Protection Association; National SAFE KIDS Compaign; National Volunteer Fire Council; and Survivalink.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1276. A bill to provide for the establishment of a new counterintelligence polygraph program for the Department of Energy, and for other purposes; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill that modifies the requirements for polygraphs at facilities operated by the Department of Energy. I appreciate that Senator BINGAMAN joins me as a co-sponsor.

Polygraph requirements were added by Congress in response to concerns about security at the national laboratories. A set of mandates was first created in the Senate Armed Services Authorization Bill for Fiscal Year 2000, and they were expanded with broader mandates in Fiscal Year 2001.

Security at the our national security facilities is critically important, and General Gordon is working diligently as Administrator of the National Nuclear Security Administration to improve security through many initiatives. But frankly, I fear that Congress has given the General a little too much help in this particular area.

The effect of our past legislation was to require polygraphs for very broad categories of workers in DOE and in our DOE weapons labs and plants. But the categories specified are really much too broad, some don't even refer to security-related issues. They include many workers who have no relevant knowledge or others who may be authorized to enter nuclear facilities but have no unsupervised access to actual material. Many of the positions within these categories already require a two-person rule, precluding actions by any one person to compromise protected items.

This bill provides flexibility to allow the Secretary of Energy and General Gordon to set up a new polygraph program. Through careful examination of the positions with enough sensitivity to warrant polygraphs, I fully anticipate that the number of employees subject to polygraphs will be dramatically reduced while actually improving overall security.

My bill seeks to address other concerns. Polygraphs are simply not viewed as scientifically credible by Laboratory staff. Those tests have been the major contributor to substantial degradation in worker morale at the labs. This is especially serious when the labs and plants are struggling to cope with the new challenges imposed by the absence of nuclear testing and with the need to recruit new scientific experts to replace an aging workforce.

I should note that these staff concerns are not expressed about drug testing, which many already must take. They simply are concerned with entrusting their career to a procedure with questionable, in their minds, scientific validity.

A study is in progress by the National Academy of Sciences that will go a long ways toward addressing this question about scientific credibility of

polygraphs when they are used as a tool for screening large populations. By way of contrast, this use of polygraphs is in sharp contrast to their use in a targeted criminal investigation. That Academy's study will be completed in June 2002. Therefore, this bill sets up an interim program before the Academy's study is done and requires that a final program be established within 6 months after the study's completion.

This bill addresses several concerns with the way in which polygraphs may be administered by the Department. For example, some employees are concerned that individual privacies, like medical conditions, are not being protected using the careful procedures developed for drug testing. And facility managers are concerned that polygraphs are sometimes administered without enough warning to ensure that work can continue in a safe manner in the sudden absence of an employee. And of greatest importance, the bill ensures that the results of a polygraph will not be the sole factor determining an employee's fitness for duty.

With this bill, we can improve worker morale at our national security facilities by stopping unnecessarily broad application of polygraphs, while still providing the Secretary and General Gordon with enough flexibility to utilize polygraphs where reasonable. In addition, we set in motion a process, which will be based on the scientific evaluation of the National Academy, to implement an optimized plan to protect our national security.

Mr. BINGAMAN. Mr. President, I am pleased to cosponsor legislation being introduced by Senator DOMENICI that will help correct what I consider to be overzealous action on the part of the Congress to address security problems at our Department of Energy national laboratories. We're all aware of the security concerns that grew out of the Wen Ho Lee case. That case, and other incidents that have occurred since then, quite rightly prompted the Department of Energy and the Congress to assess security problems at the laboratories and seek remedies. Last year, during the conference between House and Senate on the Defense Authorization bill, a provision was added, Section 3135, that significantly expanded requirements for administering polygraphs to Department of Energy and contractor employees at the laboratories. That legislative action presumed that polygraph testing is an effective, reliable tool to reveal spies or otherwise identify security risks to our country.

The problem is that the Congress does not have the full story about polygraph testing. I objected when Section 3135 was included in the conference mark of the Defense bill last year, but it was too late in the process to effectively protest its worthiness. It has since become clear that the provision has had a chilling effect on current and potential employees at the laboratories in a way that could risk the future health of the workforce at the laboratories. The laboratory directors have expressed to me their deep concerns about recruitment and retention, and I'm certain that the polygraph issue is a contributing factor. Indeed, I've heard directly from many laboratory employees who question the viability of polygraphs and who have raised legitimate questions about its accuracy, reliability, and usefulness.

In response to those questions and concerns, I requested that the National Academy of Sciences undertake an effort to review the scientific evidence regarding polygraph testing. Needless to say, there are many difficult scientific issues to be examined, so the study will require considerable effort and time. We are expecting results next June. Once the Congress receives that report, I am hopeful that the Department of Energy, the National Nuclear Security Administration, and the national laboratories will be better able to consider the worthiness of polygraph testing to its intended purposes and determine whether and how to proceed with a program.

Until that time, however, the Congress has levied a burdensome requirement on the national laboratories to use polygraph testing broadly at the laboratories with the negative consequences to which I have alluded. I believe the legislation that Senator DOMENICI and I are introducing today will provide a more balanced, reasoned approach in the interim until the scientific experts report to the Congress with their findings on this very complex matter. The bill being introduced will provide on an interim basis the security protection that many believe is afforded by polygraphs, but will limit its application to those Department of Energy and contractor employees at the laboratories who have access to Restricted Data or Sensitive Compartmented Information containing the nation's most sensitive nuclear secrets. It specifically excludes employees who may operate in a classified environment, but who do not have actual access to the critical security information we are seeking to protect.

Other provisions in the bill would protect individual rights by extending guaranteed protections included under part 40 of Title 49 of the Code of Federal Regulations and by requiring procedures to preclude adverse personnel action related to ''false positives'' or individual physiological reactions that may occur during testing. The bill also seeks to ensure the safe operations of DOE facilities by requiring advance notice for polygraph exams to enable management to undertake adjustments necessary to maintain operational safety.

Let me emphasize once again, that this legislation is intended as an interim measure that will meet three critical objectives until we have heard from the scientific community. This bill will ensure that critical secret information will be protected, that the rights of individual employees will be observed, and that the ability of the laboratories to do their job will be maintained. I thank Senator DOMENICI for his work on this bill, and urge my colleagues to support its passage. I yield the floor.

By Mr. DOMENICI (for himself and Mr. LUGAR):

S. 1277. A bill to authorize the Secretary of Energy to guarantee loans to facilitate nuclear nonproliferation programs and activities of the Government of the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

Mr. DOMENICI. Mr. President, I rise to introduce the Fissile Material Loan Guarantee Act of 2001. This Act is intended to increase the suite of programs that reduce proliferation threats from the Russian nuclear weapons complex. I'm pleased that Senator LUGAR joins me as a co-sponsor of this Act.

This Act presents an unusual option, which I've discussed with the leadership of some of the world's largest private banks and lending institutions. I also am aware that discussions between Western lending institutions and the Russian Federation are in progress and that discussions with the International Atomic Energy Agency or IAEA have helped to clarify their responsibilities.

This Act would enable the imposition of international protective safeguards on new, large stocks of Russian weapons-ready materials in a way that enables the Russian Federation to gain near-term financial resources from the materials. These materials would be used as collateral to secure a loan, for which the U.S. Government would provide a loan guarantee. The Act requires that loan proceeds be used in either debt retirement for the Russian Federation or in support of Russian nonproliferation or energy programs. It also requires that the weapons-grade materials used to collateralize these loans must remain under international IAEA safeguards forevermore and thus should serve to remove them from concern as future weapons materials.

This Act does not replace programs that currently are in place to ensure that weapons-grade materials can never be used in weapons in the future. Specifically, it does not displace materials already committed under earlier agreements. The Highly Enriched Uranium or HEU Agreement is moving toward elimination of 500 tons of Russian weapons-grade uranium. The Plutonium Disposition Agreement is similarly working on elimination of 34 tons of Russian weapons-grade plutonium, primarily by its use in MOX fuel.

The HEU agreement removes material usable in 20,000 nuclear weapons, while the plutonium disposition agreement similarly removes material for more than 4,000 nuclear weapons. Both of these agreements enable the transition of Russian materials into commercial reactor fuel, which, after use in a reactor, destroys its ''weapons-grade'' attributes. There should be no question that both these agreements remain of vital importance to both nations.

But estimates are that the Russian Federation has vast stocks of weapons-grade materials in addition to the amounts they've already declared as surplus to their weapons needs in these earlier agreements.

If we can provide additional incentives to Russia to encourage transition of more of these materials into configurations where it is not available for diversion or re-use in weapons, we've made another significant step toward global stability. And furthermore, this proposed mechanism provides a relatively low cost approach to reduction of threats from these materials.

Senator LUGAR and I introduced a similar bill near the end of the 106th Congress, to provide time for discussion of its features. Those discussions have progressed, and this bill has some slight refinements that grew out of those discussions. Since then, we have received additional assurances that this bill provides a useful route to reduce proliferation threats, and thus we are reintroducing this bill in the 107th Congress.

Within the last few months, former Senator Howard Baker and former White House Counsel Lloyd Cutler completed an important report outlining the importance of the non-proliferation programs accomplished jointly with Russia. They noted, as their top recommendation, that:

> The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops or citizens at home. This threat is a clear and present danger to the international community as well as to American lives and liberties.

This new Act provides another tool toward reducing these threats to national, as well as global, security.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. BREAUX, and Ms. LANDRIEU):

S. 1278. A bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise today to introduce the U.S. Independent Film and Television Production Incentive Act of 2001, a bill designed to address the problem of ''runaway'' film and television production. I am joined by Senators SNOWE, DURBIN, BREAUX, and LANDRIEU.

Over the past decade, production of American film projects has fled our borders for foreign locations, migration that results in a massive loss for the U.S. economy. My legislation will encourage producers to bring feature film and television production projects to cities and towns across the United States, thereby stemming that loss.

In recent years, a number of foreign governments have offered tax and other incentives designed to entice production of U.S. motion pictures and television programs to their countries. Certain countries, such as Australia, Canada, New Zealand, and several European countries, have been particularly successful in luring film projects to their towns and cities through offers of large tax subsidies.

These governments understand that the benefits of hosting such productions do not flow only to the film and television industry. These productions create ripple effects, with revenues and jobs generated in a variety of other local businesses. Hotels, restaurants, catering companies, equipment rental facilities, transportation vendors, and many others benefit from these ripple effects.

What began as a trickle has become a flood, a significant trend affecting both the film and television industry as well as the smaller businesses that they support.

Many specialized trades involved in film production and many of the secondary industries that depend on film production, such as equipment rental companies, require consistent demand in order to operate profitably. This production migration has forced many small- and medium-sized companies out of business during the last ten years.

Earlier this year, a report by the U.S. Department of Commerce estimated that runaway production drains as much as $10 billion per year from the U.S. economy.

These losses have been most pronounced in made-for-television movies and miniseries productions. According to the report, out of the 308 U.S.-developed television movies produced in 1998, 139 were produced abroad. That's a significant increase from the 30 produced abroad in 1990.

The report makes a compelling case that runaway film and television production has eroded important segments of a vital American industry. According to official labor statistics, more than 270,000 jobs in the U.S. are directly involved in film production. By industry estimates, 70 to 80 percent of these workers are hired at the location where the production is filmed.

And while people may associate the problem of runaway production with California, the problem has seriously affected the economies of cities and States across the country, given that film production and distribution have been among the highest growth industries in the last decade. It's an industry with a reach far beyond Hollywood and the west coast.

For example, my home State of Arkansas has been proud to host the production of a number of feature and television films, with benefits both economic and cultural. Our cinematic history includes the opening scenes of ''Gone With the Wind,'' and civil war epics like ''the Blue and the Gray'' and ''North and South.'' It also includes ''A Soldier's Story,'' ''Biloxi Blues,'' ''the Legend of Boggy Creek,'' and, most recently, ''Sling Blade,'' an independent production written by, directed by, and starring Arkansas' own Billy Bob Thornton. So even in our rural State, there is a great deal of local interest and support for the film industry. My bill will make it possible for us to continue this tradition, and we hope to encourage more of these projects to come to Arkansas.

But to do this, we need to level the playing field. This bill will assist in that effort. It will provide a two-tiered wage tax credit, equal to 25 percent of the first $25,000 of qualified wages and salaries and 35 percent of such costs if incurred in a ''low-income community'', for productions of films, television or cable programming, mini-series, episodic television, pilots or movies of the week that are substantially produced in the United States.

This credit is targeted to the segment of the market most vulnerable to the impact of runaway film and television production. It is, therefore, only available if total wage costs are more than $20,000 and less than $10 million (indexed for inflation). The credit is not available to any production subject to reporting requirements of 18 USC 2257 pertaining to films and certain other media with sexually explicit conduct.

My legislation enjoys the support of a broad alliance of groups affected by the loss of U.S. production, including the following: national, State and local film commissions, under the umbrella organization Film US as well as the Entertainment Industry Development Corporation; film and television producers, Academy of Television Arts and Sciences, the Association of Independent Commercial Producers, the American Film Marketing Association, the Producers Guild; organizations representing small businesses such as the post-production facilities, The Southern California Chapter of the Association of Imaging Technology and Sound, and equipment rental companies (Production Equipment Rental Association); and organizations representing the creative participants in the entertainment industry, Directors Guild of America, the Screen Actors Guild and Recording Musicians Association. In

addition, the United States Conference of Mayors formally adopted the ''Runaway Film Production Resolution'' at their annual conference in June.

Leveling the playing field through targeted tax incentives will keep film production, and the jobs and revenues it generates, in the United States. I urge my colleagues to join me in supporting this bill in order to prevent the further deterioration of one of our most American of industries and the thousands of jobs and businesses that depend on it.

By Mr. BREAUX:

S. 1279. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Finance.

Mr. BREAUX. Mr. President, I rise today to introduce tax legislation which proposes only a small technical modification of current law, but, if enacted, would provide significant simplification of routine corporate reorganizations. The legation is identical to S. 773 which I introduced on April 13 of last year.

This proposed change is small but very important. It would not alter the substance of current law in any way. It would, however, greatly simplify a common corporate transaction. This small technical change will alone save corporations millions of dollars in unnecessary expenses and economic costs that are incurred when they divide their businesses.

Past Treasury Departments have agreed, and I have no reason to believe the current Treasury Department will feel any differently, that this change would bring welcome simplification to section 355 of the Internal Revenue Code. Indeed, the Clinton Administration in its last budget submission to the Congress had proposed this change. The last scoring of this proposal showed no loss of revenue to the U.S. Government, and I am aware of no opposition to its enactment.

Corporations, and affiliated groups of corporations, often find it advantageous, or even necessary, to separate two or more businesses. The division of AT&T from its local telephone companies is an example of such a transaction. The reasons for these corporate divisions are many, but probably chief among them is the ability of management to focus on one core business.

At the end of the day, when a corporation divides, the stockholders simply have the stock of two corporations, instead of one. The Tax Code recognizes this is not an event that should trigger tax, as it includes corporate divisions among the tax-free reorganization provisions.

One requirement the Tax Code imposes on corporate divisions is very awkwardly drafted, however. As a result, an affiliated group of corporations that wishes to divide must often engage in complex and burdensome preliminary reorganizations in order to accomplish what, for a single corporate entity, would be a rather simple and straightforward spinoff of a business to its shareholders. The small technical change I propose today would eliminate the need for these unnecessary transactions, while keeping the statue true to Congress's original purpose.

More specifically, section 355, and related provision of the Code, permits a corporation or an affiliated group of corporations to divide on a tax-free basis into two or more separate entities with separate businesses. There are numerous requirements for tax-free treatment of a corporate division, or ''spinoff,'' including continuity of historical shareholder interest, continuity of the business enterprises, business purpose, and absence of any device to distribute earning and profits. In addition, section 355 requires that each of the divided corporate entities be engaged in the active conduct of a trade or business. The proposed change would alter none of these substantive requirements of the Code.

Section 355 (b)(2)(A) currently provides an attribution or ''look through'' rule for groups of corporations that operate active businesses under a holding company, which is necessary because a holding company, by definition, is not itself engaged in an active business.

This lookthrough rule inexplicably requires, however, that ''substantially all'' of the assets of the holding company consist of stock of active controlled subsidiaries. The practical effect of this language is to prevent holding companies from engaging in spinoffs if they own almost any other assets. This is in sharp contrast to corporations that operate businesses directly, which can own substantial assets unrelated to the business and still engage in tax-free spinoff transactions.

In the real world, of course, holding companies may, for many sound business reasons, hold other assets, such as non-controlling, less than 80 percent, interests in subsidiaries, controlled subsidiaries that have been owned for less than five years, which are not considered ''active businesses'' under section 355, or a host of non-business assets. Such holding companies routinely undertake spinoff transactions, but because of the awkward language used in section 355 (b)(2)(A), they must first undertake one or more, often a series of, preliminary reorganizations solely for the purpose of complying with this inexplicable language of the Code.

Such preliminary reorganizations are at best costly, burdensome, and without any business purpose, and at worst, they seriously interfere with business operations. In a few cases, they may be so costly as to be prohibitive, and cause the company to abandon an otherwise sound business transaction that is clearly in the best interest of the corporation and the businesses it operates.

There is no tax policy reasons, tax advisors agree, to require the reorganization of a consolidated group that is clearly engaged in the active conduct of a trade or business, as a condition to a spinoff. Nor is there any reason to treat affiliated groups differently than single operating companies. Indeed, no one had ever suggested one. The legislative history indicates Congress was concerned about non-controlled subsidiaries, which is elsewhere adequately addressed, no consolidated groups.

For many purposes, the Tax Code treats affiliated groups as a single corporation. Therefore, the simple remedy I am proposing today for the problem created by the awkward language of section 355 (b)(2)(A) is to apply the active business test to an affiliated group as if it were a single entity.

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. 1279

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

SECTION 1. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.

(a) IN GENERAL.—Section 355(b) of the Internal Revenue Code of 1986 (defining active conduct of a trade or business) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES RELATING TO ACTIVE BUSINESS REQUIREMENT.—

''(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirement of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation. For purposes of the preceding sentence, a corporation's separate affiliated group is the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

''(B) CONTROL.—For purposes of paragraph (2)(D), all distributee corporations which are members of the same affiliated group (as defined in section 1504(a) without regard to section 1504(b)) shall be treated as one distributee corporation.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 355(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) it is engaged in the active conduct of a trade or business,''.

(2) Section 355(b)(2) of such Code is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any distribution pursuant to a transaction which is—

(A) made pursuant to an agreement which was binding on such date and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) ELECTION TO HAVE AMENDMENTS APPLY.—Paragraph (2) shall not apply if the distributing corporation elects not to have such paragraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

By Mr. CLELAND:

S. 1280. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

Mr. CLELAND. Mr. President. I am very proud to be a Vietnam veteran and to have served as director of the Department of Veterans Affairs, VA, from 1977 to 1980. The VA has continued to provide high quality health care to our Nation's veterans and is a health care system leader on patient safety tracking, long-term care, Post-Traumatic Stress disorder treatment and dozens of other innovative health care programs. The VA Health Care System has also enhanced its access to veterans with the development of approximately 600 community-based outpatient clinics, CBOC's, across the Nation.

But as I visit the VA medical centers in Georgia and across the Nation, I am very alarmed to see patient care areas which look as if they have not been renovated or upgraded in decades. These VA medical centers serve as the hub for all major health care activities and can not be compromised without affecting veterans' care. The president's annual budget for the VA has not requested crucial funding for major medical facility construction. The VA is currently reevaluating their present VA facility infrastructure needs through a process known as CARES or the ''Capital Assets Realignment for Enhanced Services.'' Veteran health care and safety may pay the price as this process may take years to complete. With the increasing numbers of female veterans, many inpatient rooms and bathrooms continue to be inadequate to provide needed space and privacy. Many VA facilities, like the VA Spinal Cord Injury Center in Augusta, Georgia, which serves veterans from Alabama, Georgia, South Carolina, North Carolina, and Tennessee have long waits for care. At least 25 VA construction projects across the Nation would be appropriate for consideration. A Price Waterhouse report recommended that VA spend from 2 to 4 percent of its plant replacement value, PRV, on upkeep and replacement of current medical centers. Based on a PRV of $35 billion, for fiscal year 2001, VA would need approximately $170 million to meet these basic safety and upkeep needs. The VA health care system is the largest health care provider in the nation, yet we are not maintaining these essential medical centers. I urge my colleagues to support the Veterans Hospitals Emergency Repair Act and to provide the crucial assistance needed now for our veterans. This proposal would give the VA Secretary limited authority to complete identified medical facility projects thus helping to preserve the VA health care system until the CARES process can be completed.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, bill was ordered to be printed in the RECORD, as follows:

S. 1280

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 ''Veterans' Hospital Emergency Repair Act''.

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS FOR PATIENT CARE IMPROVEMENTS.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs is authorized to carry out major medical facility projects in accordance with this section, using funds appropriated for fiscal year 2002 or fiscal year 2003 pursuant to section 3. The cost of any such project may not exceed $25,000,000.

(2) Projects carried out under this section are not subject to section 8104(a)(2) of title 38, United States Code.

(b) PURPOSE OF PROJECTS.—A project carried out pursuant to subsection (a) may be carried out only at a Department of Veterans Affairs medical center and only for the purpose of improving, renovating, and updating to contemporary standards patient care facilities. In selecting medical centers for projects under subsection (a), the Secretary shall select projects to improve, renovate, or update facilities to achieve one or more of the following:

(1) Seismic protection improvements related to patient safety.

(2) Fire safety improvements.

(3) Improvements to utility systems and ancillary patient care facilities.

(4) Improved accommodation for persons with disabilities, including barrier-free access.

(5) Improvements to facilities carrying out specialized programs of the Department, including the following:

(A) Blind rehabilitation centers.

(B) Facilities carrying out inpatient and residential programs for seriously mentally ill veterans, including mental illness research, education, and clinical centers.

(C) Facilities carrying out residential and rehabilitation programs for veterans with substance-use disorders.

(D) Facilities carrying out physical medicine and rehabilitation activities.

(E) Facilities providing long-term care, including geriatric research, education, and clinical centers, adult day care centers, and nursing home care facilities.

(F) Facilities providing amputation care, including facilities for prosthetics, orthotics programs, and sensory aids.

(G) Spinal cord injury centers.

(H) Facilities carrying out traumatic brain injury programs.

(I) Facilities carrying out women veterans' health programs (including particularly programs involving privacy and accommodation for female patients).

(J) Facilities for hospice and palliative care programs.

(c) REVIEW PROCESS.—(1) Before a project is submitted to the Secretary with a recommendation that it be approved as a project to be carried out under the authority of this section, the project shall be reviewed by an independent board within the Department of Veterans Affairs constituted by the Secretary to evaluate capital investment projects. The board shall review each such project to determine the project's relevance to the medical care mission of the Department and whether the project improves, renovates, and updates patient care facilities of the Department in accordance with this section.

(2) In selecting projects to be carried out under the authority of this section, the Secretary shall consider the recommendations of the board under paragraph (1). In any case in which the Secretary selects a project to be carried out under this section that was not recommended for approval by the board under paragraph (1), the Secretary shall include in the report of the Secretary under section 4(b) notice of such selection and the Secretary's reasons for not following the recommendation of the board with respect to the project.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account for projects under section 2—

(1) $250,000,000 for fiscal year 2002; and

(2) $300,000,000 for fiscal year 2003.

(b) LIMITATION.—Projects may be carried out under section 2 only using funds appropriated pursuant to the authorization of appropriations in subsection (a).

SEC. 4. REPORTS.

(a) GAO REPORT.—Not later than April 1, 2003, the Comptroller General shall submit to the Committees on Veterans' Affairs and on Appropriations of the Senate and House of Representatives a report evaluating the advantages and disadvantages of congressional authorization for projects of the type described in section 2(b) through general authorization as provided by section 2(a), rather than through specific authorization as would otherwise be applicable under section 8104(a)(2) of title 38, United States Code. Such report shall include a description of the actions of the Secretary of Veterans Affairs during fiscal year 2002 to select and carry out projects under section 2.

(b) SECRETARY REPORT.—Not later than 120 days after the date on which the site for the final project under section 2 is selected, the Secretary shall submit to the committees referred to in subsection (a) a report on the authorization process under section 2. The Secretary shall include in the report the following:

(1) A listing by project of each project selected by the Secretary under that section, together with a prospectus description of the purposes of the project, the estimated cost of the project, and a statement attesting to the review of the project under section 2(c), and, if that project was not recommended by the board, the Secretary's justification under section 2(d) for not following the recommendation of the board.

(2) An assessment of the utility to the Department of Veterans Affairs of the authorization process.

(3) Such recommendations as the Secretary considers appropriate for future congressional policy for authorizations of major and minor medical facility construction projects for the Department.

(4) Any other matter that the Secretary considers to be appropriate with respect to oversight by Congress of capital facilities projects of the Department.

By Mr. HATCH:

S. 1282. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgages obligations; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Mortgage Cancellation Act of 2001. This bill would fix a flaw in the tax code that unfairly harms homeowners who sell their home at a loss.

Today, our Nation has achieved an amazing 67.5 percent rate of homeownership, the highest rate in our history. It is notable that in recent years, the largest category of first-time homebuyers has been comprised of immigrants and minorities. This is a great success story. Homeownership is still the most important form of wealth accumulation in our society.

From time to time, however, the value of housing in a whole market goes down through no fault of the homeowner. A plant closes, environmental degradations are found nearby, a regional economic slump hits hard. This happened during the 1980s in the oil patch and in Southern California and New England at the beginning of the 1990s. A general housing market downturn can be devastating to what is very often a family's largest asset. Unfortunately, a loss in value to the family home may not be the worst of it. Sometimes when people must sell their homes during a downturn, they get a nasty surprise from the tax law.

For example, suppose Keith and Mary Turner purchased a home for $120,000 with a five percent down payment and a mortgage of $114,000. Four years later, the local housing market experiences a downturn. While the market is down, the Turners must sell the home because Keith was laid off and has accepted a job in another city. The house sells for $105,000. However, the Turners still owe $112,000 on their mortgage. They are $7,000 short on what they owe on the mortgage, but have no equity and received no cash.

Often, homeowners who must sell their home at a loss are able to negotiate with their mortgage holder to forgive all or part of the mortgage balance that exceeds the selling price. However, under current tax law, the amount forgiven is taxable income to the seller, taxed at ordinary rates.

In the case of the Turner family, the mortgage holder agreed to forgive the $7,000 excess of the mortgage balance over the sales price. However, under current law, this means the Turners will have to recognize this $7,000 as taxable income at a time when they can least afford it. This is true even though the family suffered a $15,000 loss on the sale of the home.

I find this predicament both ironic and unfair. If this same family, under better circumstances, had been able to sell their house for $150,000 instead of $105,000, then they would owe nothing in tax on the gain under current tax law because gains on a principal residence are tax-exempt up to $500,000. I believe that this discrepancy creates a tax inequity that begs for relief.

It is simply unfair to tax people right at the time they have had a serious loss and have no cash with which to pay the tax. The bill I introduce today, the Mortgage Cancellation Relief Act, will relieve this unfair tax burden so that in the case where the lender forgives part of the mortgage, there will be no taxable event.

Who are the people that are most vulnerable to this mortgage forgiveness tax dilemma? Unfortunately, people who have a very small amount of equity in their homes are most likely to experience this problem. Today, about 4.6 million households have low equity in their homes. Of those, about 2 million have no equity in their homes, which is defined as less than 10 percent of the value of the home. In a housing value downturn, these people would be wiped out first if they had to sell.

Sixty-seven percent of these low-equity owners are first-time homebuyers, and 26 percent of them have less than $30,000 of annual family income. The median value of their homes is $70,000, while the median value of all homes nationally is $108,000. More than half of these low equity owners live in the South or in the West.

I want to emphasize that now is the time to correct this inequity. Today, the National Association of Realtors reports that there are no markets that are in the woeful condition of having homes lose value. Still, in our slowing economy, families are vulnerable. Because today's real estate market is strong, now is the optimal time to correct this fundamental unfairness. The bill applies only to the circumstance in which a lender actually forgives some portion of a mortgage debt and is not intended to be an insurance policy against economic loss. My bill provides safeguards against abuse and will help families at a time when they are most in need of relief.

The estimated revenue effect of this bill is not large. The Joint Committee on Taxation last year estimated that this correction would result in a loss to the Treasury of only about $27 million over five years and $64 million over ten years. Again, it is important to note that if we wait to correct this problem until it becomes more widespread, and thus more expensive, it will be much more difficult to find the necessary offset.

I hope my colleagues will take a close look at this small, but important, bill, and join me in sponsoring it and pushing for its inclusion in the next appropriate tax cut bill the Senate considers.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, bill was ordered to be printed in the RECORD, as follows:

S. 1282

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 ''Mortgage Cancellation Relief Act of 2001''.

SEC. 2. EXCLUSION FROM GROSS INCOME FOR CERTAIN FORGIVEN MORTGAGE OBLIGATIONS.

(a) IN GENERAL.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 (relating to exclusion from gross income) is amended by striking ''or'' at the end of both subparagraphs (A) and (C), by striking the period at the end of subparagraph (D) and inserting '', or'', and by inserting after subparagraph (D) the following new subparagraph:

''(E) in the case of an individual, the indebtedness discharged is qualified residential indebtedness.''.

(b) QUALIFIED RESIDENTIAL INDEBTEDNESS SHORTFALL.—Section 108 of the Internal Revenue Code of 1986 (relating to discharge of indebtedness) is amended by adding at the end the following new subsection:

''(h) QUALIFIED RESIDENTIAL INDEBTEDNESS.—

''(1) LIMITATIONS.—The amount excluded under subparagraph (E) of subsection (a)(1) with respect to any qualified residential indebtedness shall not exceed the excess (if any) of—

''(A) the outstanding principal amount of such indebtedness (immediately before the discharge), over

''(B) the sum of—

''(i) the amount realized from the sale of the real property securing such indebtedness reduced by the cost of such sale, and

''(ii) the outstanding principal amount of any other indebtedness secured by such property.

''(2) QUALIFIED RESIDENTIAL INDEBTEDNESS.—

''(A) IN GENERAL.—The term 'qualified residential indebtedness' means indebtedness which—

''(i) was incurred or assumed by the taxpayer in connection with real property used as the principal residence of the taxpayer (within the meaning of section 121) and is secured by such real property,

''(ii) is incurred or assumed to acquire, construct, reconstruct, or substantially improve such real property, and

''(iii) with respect to which such taxpayer makes an election to have this paragraph apply.

''(B) REFINANCED INDEBTEDNESS.—Such term shall include indebtedness resulting from the refinancing of indebtedness under subparagraph (A)(ii), but only to the extent the refinanced indebtedness does not exceed the amount of the indebtedness being refinanced.

''(C) EXCEPTIONS.—Such term shall not include qualified farm indebtedness or qualified real property business indebtedness.''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 108(a) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraph (A) by striking ''and (D)'' and inserting ''(D), and (E)'', and

(B) by amending subparagraph (B) to read as follows:

''(B) INSOLVENCY EXCLUSION TAKES PRECEDENCE OVER QUALIFIED FARM EXCLUSION, QUALIFIED REAL PROPERTY BUSINESS EXCLUSION, AND QUALIFIED RESIDENTIAL SHORTFALL EXCLUSION.—Subparagraphs (C), (D), and (E) of paragraph (1) shall not apply to a discharge to the extent the taxpayer is insolvent.''.

(2) Paragraph (1) of section 108(b) of such Code is amended by striking ''or (C)'' and inserting ''(C), or (E)''.

(3) Subsection (c) of section 121 of such Code is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE RELATING TO DISCHARGE OF INDEBTEDNESS.—The amount of gain which (but for this paragraph) would be excluded from gross income under subsection (a) with respect to a principal residence shall be reduced by the amount excluded from gross income under section 108(a)(1)(E) with respect to such residence.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges after the date of the enactment of this Act.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. DASCHLE, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. STABENOW, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 1284. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's a privilege to introduce the Employment Non-Discrimination Act.

Civil rights is the unfinished business of the Nation. The Civil Rights Act of 1964 has long prohibited job discrimination based on race, ethnic background, gender, or religion. It is long past time to prohibit such discrimination based on sexual orientation, and that is what the Employment Non-Discrimination Act will do.

Its provisions are straight-forward and limited. It prohibits employers from discriminating against individuals because of their sexual orientation when making decisions about hiring, firing, promotion and compensation. It does not require employers to provide domestic partnership benefits, and it does not apply to the armed forces or to religious organizations. It also prohibits the use of quotas and preferential treatment.

Too many hard-working Americans are being judged today on their sexual orientation, rather than their ability and qualifications. For example, after working at Red Lobster for several years and receiving excellent reviews, Kendall Hamilton applied for a promotion at the urging of the general manager who knew he was gay. The application was rejected after a co-worker disclosed Kendall's sexual orientation to the management team, and the promotion went instead to an employee of nine months whom Kendall had trained. Kendall was told that his sexual orientation ''was not compatible with Red Lobster's belief in family values,'' and that being gay had destroyed his chances of becoming a manager. Feeling he had no choice, Kendall left the company.

Fireman Steve Morrison suffered similar discrimination. His co-workers saw him on the local news protesting an anti-gay initiative, and incorrectly assumed he was gay. He soon lost workplace responsibilities and was the victim of harassment, including hate mail. After lengthy administrative proceedings, he was finally able to have the false charges removed from his record, but he was transferred to another station.

The overwhelming majority of Americans oppose this kind of flagrant discrimination. Businesses of all sizes, labor unions, and a broad religious coalition all strongly support the Employment Non-Discrimination Act. America will not achieve its promise of true justice and equal opportunity for all until we end all forms of discrimination.

Mr. LIEBERMAN. Mr. President, I am delighted to join with Senators KENNEDY, SPECTER, JEFFORDS and many other colleagues as an original cosponsor of this important legislation, the Employment Non-Discrimination Act of 2001. By guaranteeing that American workers cannot lose their jobs simply because of their sexual orientation, this bill would extend the bedrock American values of fairness and equality to a group of our fellow citizens who too often have been denied the benefit of those most basic values.

Two hundred and twenty-five years ago this month, Thomas Jefferson laid out a vision of America as dedicated to the simple idea that all of us are created equal, endowed by our Creator with the inalienable rights to life, liberty and the pursuit of happiness. As Jefferson knew, our society did not in his time live up to that ideal, but since his time, we have been trying to. In succeeding generations, we have worked ever harder to ensure that our society removes unjustified barriers to individual achievement and that we judge each other solely on our merits and not on characteristics that are irrelevant to the task at hand. We are still far from perfect, but we have made much progress, especially over the past few decades, guaranteeing equality and fairness to an increasing number of groups that traditionally have not had the benefits of those values and of those protections. To African- Americans, to women, to disabled Americans, to religious minorities and to others we have extended a legally enforceable guarantee that, with respect to their ability to earn a living at least, they will be treated on their merits and not on characteristics unrelated to their ability to do their jobs.

It is time to extend that guarantee to gay men and lesbians, who too often have been denied the most basic of rights: the right to obtain and maintain a job. A collection of one national survey and twenty city and State surveys found that as many as 44 percent of gay, lesbian and bisexual workers faced job discrimination in the workplace at some time in their careers. Other studies have reported even greater discrimination, as much as 68 percent of gay men and lesbians reporting employment discrimination. The fear in which these workers live was clear from a survey of gay men and lesbians in Philadelphia. Over three-quarters told those conducting the survey that they sometimes or always hide their orientation at work out of fear of discrimination.

The toll this discrimination takes extends far beyond its effect on the individuals who live without full employment opportunities. It also takes an unacceptable toll on America's definition of itself as a land of equality and opportunity, as a place where we judge each other on our merits, and as a country that teaches its children that anyone can succeed here as long as they are willing to do their job and work hard.

This bill provides for equality and fairness, that and no more. It says only what we already have said for women, for people of color and for others: that you are entitled to have your ability to earn a living depend only on your ability to do the job and nothing else.

This bill would bring our Nation one large step closer to realizing the vision that Thomas Jefferson so eloquently expressed 225 years ago when he wrote that all of us have a right to life, liberty and the pursuit of happiness. I urge my colleagues to join me in supporting this important legislation.

Mr. SMITH of Oregon. Mr. President, I rise today to give my support for the Employment Non Discrimination Act of 2001 or ENDA. I believe that every American should have the opportunity to work and should not be denied that

opportunity for jobs they are qualified to fill. In both my private and public life I have hired without regard to sexual orientation and have found both areas to be enriched by this decision.

ENDA would provide basic protection against job discrimination based on sexual orientation. Civil Rights progress over the years has slowly extended protection against discrimination in the workplace based on race, gender, national origin, age, religion and disability. It is time now to extend these protections to cover sexual orientation, the next logical step to achieve equality of opportunity in the workplace.

As a Republican, I do not believe that this discrimination in the workplace can be categorized as a conservative/liberal issue. Barry Goldwater once wrote:

> I am proud that the Republican Party has always stood for individual rights and liberties. The positive role of limited government has always been the defense of these fundamental principles. Our Party has led the way in the fight for freedom and a free market economy, a society where competition and the Constitution matter, and sexual orientation should not . . .

Indeed my Republican predecessor in this seat, Mark Hatfield was also a strong supporter of ENDA and viewed discrimination as a serious societal injustice, in both human and economic terms:

> As this Nation turns the corner toward the 21st century, the global nature of our economy is becoming more and more apparent. If we are to compete in this marketplace, we must break down the barriers to hiring the most qualified and talented person for the job. Prejudice is such a barrier. It is intolerable and irrational for it to color decisions in the workplace.

I believe that ENDA is a well thought-out approach to rectifying discrimination in the workplace. ENDA contains broad exemptions for religious organizations, the military and small businesses. It specifically rules out preferential treatment or ''quotas'' and does not affect our nation's armed services. I am confident that this bill will pass this Senate by a bipartisan majority.

ENDA is a simple, narrowly-crafted solution to a significant omission in our civil rights law. I strongly believe that no one should be denied employment on the basis of sexual orientation or any other factor not related to ability to do a particular job. I look forward to working with my colleagues to pass ENDA and strengthen fundamental fairness in our society.

By Mr. CORZINE:

S. 1285. A bill to provide the President with flexibility to set strategic nuclear delivery system levels to meet United States national security goals; to the Committee on Armed Services.

Mr. CORZINE. Mr. President, today I am introducing legislation, the Strategic Arms Flexibility Act of 2001, that would restore the President's authority to manage the size of our Nation's nuclear stockpile by repealing an obsolete law that now prevents him from reducing the number of nuclear weapons. The Strategic Arms Flexibility Act of 2001 would reduce the risk of a catastrophic accident or terrorist incident, reduce tensions throughout the world, and save substantial taxpayer dollars.

We have far more nuclear weapons than would ever be necessary to win a war. Based on START counting rules, we have 7,300 strategic nuclear weapons. Yet, as Secretary of State Colin Powell has said, we could eliminate more than half of these weapons and still, ''have the capability to deter any actor.'' Furthermore, the U.S. nuclear arsenal is equipped with sophisticated guidance and information systems that make our nuclear weapons much more accurate and effective than those of our adversaries. This is one reason why we should not be overly influenced by calls for maintaining strict numerical parity.

While the huge number of nuclear arms in our arsenal is not necessary to fight a war, maintaining these weapons actually presents significant risks to national security.

First, it increases the risk of a catastrophic accident. The more weapons that exist, the greater chance that a sensor failure or other mechanical problem, or an error in judgment, will lead to the detonation of a nuclear weapon. In fact, there have been many times when inaccurate sensor readings or other technical problems have forced national leaders to decide within minutes whether to launch nuclear weapons. In one incident, a Russian commander deviated from standard procedures by refusing to launch, even though an early detection system was reporting an incoming nuclear attack, a report that was inaccurate.

The second reason why maintaining excessive numbers of nuclear weapons poses national security risks is that it encourages other nations to maintain large stockpiles, as well. The more weapons held by other countries, the greater the risk that a rogue faction in one such country could gain access to nuclear weapons and either threaten to use them, actually use them, or transfer them to others. Such a faction could obtain weapons through force. For example, there are many poorly guarded intercontinental ballistic missiles that are easy targets for terrorists. Senator BOB KERREY, who introduced this legislation in the last Congress, speculated that a relatively small, well-trained group could overtake the few personnel who guard some of the smaller installations in Russia.

Alternatively, a hostile group might be able simply to purchase ballistic missiles on the black market. This risk may be especially relevant in Russia, where many military personnel are poorly paid and a few may feel financial pressure to collaborate with those hostile to the United States. In addition, some have speculated that the high cost of maintaining a large nuclear stockpile could encourage some nuclear powers themselves to sell weapon technologies as a mean of financing their nuclear infrastructure.

By reducing our own stockpile, we can encourage Russia to reduce its stockpile and discourage other nuclear states from expanding theirs. In particular, Russia is faced with the exorbitant annual cost of maintaining thousands of unnecessary ICBMs. The present state of Russia's economy leaves it ill-equipped to handle these costs, a fact readily admitted by Russian Defense Minister Igor Sergeyev. Russia has expressed an interest in reducing its stockpile dramatically, from about 6,000 weapons to fewer than 1,000. However, Russia is unlikely to make such reductions without a commensurate reduction by the United States. If the United States takes the first step, it would provide Russia with a face-saving way to do the same, without waiting for START II, which now appears unlikely to be ratified in the short term.

Beyond the benefits to national security of reducing our nuclear stockpile, such a reduction also would save taxpayers significant amounts of money. According to the Center for Defense Information, in FY 01, the United States spent $26.7 billion on operations, maintenance, and development related the United States' nuclear program. Of that $26.7 billion, $12.4 billion, just under half, goes to build, maintain, and operate our arsenal of tactical and strategic nuclear weapons. Although a precise cost estimate is not available, it seems clear that reducing the stockpile of nuclear weapons would provide major cost savings.

While a reduction in the nuclear stockpile would improve national security and reduce costs, the 1998 defense authorization act now prevents the President from reducing such weapons until the Russian Duma approves the START II treaty. The Bush Administration has made it clear that it wants this law repealed, and would like the authority to unilaterally reduce the nuclear stockpile. In hearings before various Senate Committees, Secretary of Defense Donald Rumsfeld and Deputy Secretary of Defense Paul Wolfowitz, have expressed the Administration's desire to retire immediately 50 unnecessary MX peacekeeper missiles with some 500 warheads. The Administration is still conducting a more comprehensive review and may well propose additional reductions. However, as Secretary Wolfowitz has testified, ''we will need the support of the Congress to remove the current restrictions that prohibit us from getting rid

of a nuclear system that we no longer need.''

Some might question whether it is appropriate to reduce the United States stockpile without a direct assurance that other nations would reduce theirs by the same amount. However, this is flawed Cold War thinking. As Secretary Powell has stated, we have far more weapons than necessary to devastate any opponent, real or imagined, many times over. Clearly, we can reduce our stockpile without in any way reducing our nuclear deterrent, or our national security.

Having said this, reducing the stockpile is not enough. We also need to encourage and assist others in doing so. In particular, it is important that we help Russia by providing aid for dismantling weapons and by offering other economic assistance. We also need to continue to negotiate arms reductions and non-proliferation agreements with other countries, including, but not limited to Russia. Unilateral action can provide many benefits, but we need multilateral agreements to more fully reduce the nuclearthreat, and prevent the spread of nuclear technology. Ultimately, the nuclear threat is a threat to all of humanity, and all nations need to be part of a coordinated effort to reduce that threat.

In recent months, we have renewed a long-standing debate about whether to deploy a national missile defense. Proponents of such a system argue that it would reduce the threat posed by nuclear weapons by giving us the capacity to deflect incoming nuclear weapons. However, many have raised serious concerns about this approach, and the risk that it actually could reduce our national security by creating a new arms race and heightening international tensions.

The bill I am introducing today offers a proven way to reduce the nuclearthreat that can be accomplished quickly and without the controversy associated with a national missile defense system.

There are few issues more important than reducing the risks posed by nuclear weapons. For the past half century, the world has lived with these weapons, and it is easy to underestimate the huge threat they represent. Yet it is critical that we remain vigilant and do everything in our power to reduce that threat. The fate of the world, quite literally, is at stake.

I urge my colleagues to support this simple but powerful measure.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 142—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD BE AN ACTIVE PARTICIPANT IN THE UNITED NATIONS WORLD CONFERENCE ON RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Mr. DODD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 142

Whereas racial discrimination, ethnic conflict, and xenophobia persist in various parts of the world despite continuing efforts by the international community;

Whereas in recent years the world has witnessed campaigns of ethnic cleansing;

Whereas racial minorities, migrants, asylum seekers, and indigenous peoples are persistent targets of intolerance and violence;

Whereas millions of human beings continue to encounter discrimination solely due to their race, skin color, or ethnicity;

Whereas early action is required to prevent the growth of ethnic hatred and to diffuse potential violent conflicts;

Whereas the problems associated with racism will be thoroughly explored at the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in Durban, South Africa from August 31 to September 7, 2001;

Whereas this conference will review progress made in the fight against racism and consider ways to better ensure the application of existing standards to combat racism;

Whereas the conference will increase the level of awareness about the scourge of racism and formulate concrete recommendations on ways to increase the effectiveness of the United Nations in dealing with racial issues;

Whereas the conference will review the political, historical, economic, social, cultural, and other factors leading to racism and racial discrimination and formulate concrete recommendations to further action-oriented national, regional, and international measures to combat racism;

Whereas the conference will draw up concrete recommendations to ensure that the United Nations has the resources to actively combat racism and racial discrimination; and

Whereas the United States is a member of the United Nations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should attend and participate fully in the United Nations World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance;

(2) the delegation sent to the conference by the United States should reflect the racial and geographic diversity of the United States; and

(3) the President should support the conference and should act in such a way as to facilitate substantial United States involvement in the conference.

Mr. DODD. Mr. President, I rise today to discuss the possibility that the United States will not send a full delegation to the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance. I believe this is both a worthwhile and important endeavor, and I am greatly troubled by the prospect that the United States may not attend.

According to a Washington Post article last week, the Bush Administration's reservations about attending the conference stem from concerns regarding certain proposed items on the agenda. The Administration's concerns are legitimate ones, but it is my belief that the Conference organizers are so anxious to have high level U.S. participation in Durban that contentious issues can be resolved prior to the August event, provided the United States signals its genuine interest in participating. Clearly the overarching objectives of the conference are of great importance to the American people and to peoples throughout the planet. As members of the global community, and as a global leader and vocal advocate for human rights, it would be tragic if the United States could not find a way to support the conference's honorable ambitions.

I do not need to list for my colleagues all the many injustices that occur each day, worldwide, that can be attributed to racism and ignorance, racism's frequent collaborator. As we all know, despite the best efforts of the international community, the effects of racial discrimination, ethnic conflict, and xenophobia continue to threaten and victimize people the world over. We have seen the violent devastations of racism in the former Yugoslavia, in Indonesia, and sadly, at home in America as well. The hateful term ''ethnic cleansing'' is now all too often used to describe violent international conflicts, and, increasingly, international humanitarian relief efforts focus on the tides of refugees fleeing persecution based on skin color, religion, and ethnic heritage. The task that lays before all nations therefore, is to peer deeply into the corners of our societies that we find most distasteful and hurtful, and to shine some light honestly onto the devastation that racism has inflicted.

In my view, the United Nations World Conference on Racism is the place to begin this difficult, but crucial process of racial introspection. It is not enough for the United States to pay lip service to the ideals of racial equality. We should attend this conference, and lend our full support to this worthy cause. I believe that in the conference we have a unique opportunity to work with other nations, our neighbors and partners, to begin the process of addressing the many crimes caused by racism, and the underlying societal causes of racism itself. This conference has the power to raise awareness about these issues, to form international consensus on best to combat racism, and

to educate the international community on the ravages of racially motivated persecution and conflict.

It is my hope, that the Bush Administration will conclude that our presence at the United Nations Conference on Racism, Racial Discrimination, Xenophobia, and Related Intolerance is vital and appropriate, and will work to ensure that problems related to U.S. participation are resolved before the conference convenes next month. I would also hope that the President would designate Secretary of State Colin Powell to lead a racially and geographically diverse delegation from the United States to the conference in South Africa. Toward that end, I am submitting a resolution which urges the active participation of the United States in the conference, and it is my hope that my colleagues will support this resolution.

SENATE RESOLUTION 143—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEVELOPMENT OF EDUCATIONAL PROGRAMS ON VETERANS' CONTRIBUTIONS TO THE COUNTRY AND THE DESIGNATION OF THE WEEK OF NOVEMBER 11 THROUGH NOVEMBER 17, 2001, AS ''NATIONAL VETERANS AWARENESS WEEK''

Mr. BIDEN (for himself, Mr. CONRAD, Mr. GRAHAM, Mr. LEVIN, Mr. SANTORUM, Mr. AKAKA, Mr. BREAUX, Mr. KENNEDY, Mr. COCHRAN, Mr. DODD, Mr. NELSON of Florida, Mr. BAUCUS, Mr. BAYH, Mr. BUNNING, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. KERRY, Mr. INOUYE, Ms. LANDRIEU, Mr. LEAHY, Mr. MILLER, Mr. MURKOWSKI, Mr. REID, Mr. SARBANES, Mr. BINGAMAN, Mr. BYRD, Mr. DAYTON, Mr. DURBIN, Mr. KOHL, Mr. LIEBERMAN, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. BROWNBACK, Mrs. LINCOLN, Mr. WARNER, Ms. STABENOW, Mr. DOMENICI, Mr. VOINOVICH, Mrs. BOXER, Mr. CHAFEE, Mr. DEWINE, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Ms. SNOWE, Mr. THURMOND, Ms. COLLINS, Mr. CARPER, Mr. STEVENS, Mr. ENSIGN, Mr. ROBERTS, Mr. SMITH of New Hampshire, and Mr. BOND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 143

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas our system of civilian control of the Armed Forces makes it essential that the Nation's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas on June 14, 2001, the Senate adopted an amendment to the Better Education for Students and Teachers Act expressing the sense of the Senate that the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the week of November 11 through November 17, 2001, be designated as ''National Veterans Awareness Week'' for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) the President should issue a proclamation calling on the people of the United States to observe such week with appropriate educational activities.

Mr. BIDEN. Mr. President, today I have the honor of joining with 51 of my colleagues in submitting a resolution expressing the sense of the Senate that the week that includes Veterans' Day this year be designated as ''National Veterans Awareness Week.'' The purpose of National Veterans Awareness Week is to serve as a focus for educational programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims of our own success with regard to the superior performance of our armed forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current armed forces now operate effectively with a personnel roster that is one-third less in size than just 10 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today's military than in previous eras when conscription was in place. Finally, the number of veterans who served during previous conflicts, such as World War II, when our military was many times larger than today, is inevitably declining.

The net result of these changes is that the percentage of the entire population that has served in the Armed Forces is dropping rapidly, a change that can be seen in all segments of society. Whereas during World War II it was extremely uncommon to find a family in America that did not have one of its members on active duty, now there are numerous families that include no military veterans at all. As a consequence of this lack of opportunity for contacts with veterans, many of our young people have little or no connection with or knowledge about the important historical and ongoing role of men and women who have served in the military. This omission seems to have persisted despite ongoing educational efforts by the Department of Veterans Affairs and the veterans service organizations.

This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the armed forces is the key tenet of military governance. A citizenry that is oblivious to the capabilities and limitations of the armed forces, and to its critical role throughout our history, can make decisions that have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the armed forces and even throughout the population at large.

Among today's young people, a generation that has grown up largely during times of peace and extraordinary prosperity and has embraced a ''me first'' attitude, it is perhaps even more important to make sure that there is solid understanding of what it has taken to attain this level of comfort and freedom. The failure of our children to understand why a military is important, why our society continues to depend on it for ultimate survival, and why a successful military requires integrity and sacrifice, will have predictable consequences as these youngsters become of voting age. Even though military service is a responsibility that is no longer shared by a large segment of the population, as it has been in the past, knowledge of the contributions of those who have served in the Armed Forces is as important as it has ever been. To the extent that many of us will not have the opportunity to serve our country in uniform, we must still remain cognizant of our responsibility as citizens to fulfill the obligations we owe, both tangible and intangible, to those who do serve and who do sacrifice on our behalf.

The importance of this issue was brought home to me last year by Samuel I. Cashdollar, who was then a 13-year-old seventh grader at Lewes Middle School in Lewes, Delaware. Samuel

won the Delaware VFW's Youth Essay Contest that year with a powerful presentation titled ''How Should We Honor America's Veterans''? Samuel's essay pointed out that we have Nurses' Week, Secretaries' Week, and Teachers' Week, to rightly emphasize the importance of these occupations, but the contributions of those in uniform tend to be overlooked. We don't want our children growing up to think that Veterans Day has simply become a synonym for department store sale, and we don't want to become a Nation where more high school seniors recognize the name Britney Spears than the name Dwight Eisenhower.

Now, it is appropriate to ask, ''We already have Veterans Day, why do we need National Veterans Awareness Week?''. Historically, Veterans Day was established to honor those who served in uniform during wartime. Although we now customarily honor all veterans on Veterans Day, I see it as a holiday that is focused on honoring individuals, the courageous and selfless men and women without whose actions our country would not exist as it does. National Veterans Awareness Week would complement Veterans Day by focusing on education as well as commemoration, on the contributions of the many in addition to the heroism and service of the individual. National Veterans Awareness Week would also present an opportunity to remind ourselves of the contributions and sacrifices of those who have served in peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty.

Earlier this year, the Senate adopted my amendment to the education bill calling on the Department of Education to assist in the development of educational programs to enlighten our country's students about the contributions of veterans. Last year, my Resolution designating National Veterans Awareness Week had 60 cosponsors and was approved in the Senate by unanimous consent. I ask my colleagues to continue this trend of support for our veterans by endorsing this resolution again this year. Our children and our childrens' children will need to be well informed about what veterans have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that they are sure to face in the future.

SENATE RESOLUTION 144—COMMENDING JAMES W. ZIGLAR FOR HIS SERVICE TO THE UNITED STATES SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 144

Whereas James W. Ziglar was elected the 35th Sergeant at Arms and Doorkeeper of the United States Senate on October 15, 1998

Whereas ''Jim'' served the United States Senate with great dedication, integrity and professionalism;

Whereas Jim Ziglar always performed his duties with unfailing good humor and bipartisanship;

Whereas as Sergeant at Arms and Doorkeeper of the Senate Jim Ziglar has utilized his previous 23 years in the public financial industry to the benefit of the entire Senate in implementing new and innovative programs in an efficient and effective manner.

Whereas James W. Ziglar will leave the Senate in August for the position of the Commissioner of Immigration and Naturalization: Now, therefore, be it

Resolved, That the United States Senate commends James W. Ziglar for his service to the United States Senate, and wishes to express its deep appreciation and gratitude.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to James W. Ziglar.

SENATE CONCURRENT RESOLUTION 62—CONGRATULATING UKRAINE ON THE 10TH ANNIVERSARY OF THE RESTORATION OF ITS INDEPENDENCE AND SUPPORTING ITS FULL INTEGRATION INTO THE EURO-ATLANTIC COMMUNITY OF DEMOCRACIES

Mr. HELMS (for himself, Mr. BIDEN, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 62

Whereas August 24, 2001, marks the tenth anniversary of the restoration of independence in Ukraine;

Whereas the United States, having recognized Ukraine as an independent state on December 25, 1991, and having established diplomatic relations with Ukraine on January 2, 1992, recognizes that fulfillment of the vision of a Europe whole, free, and secure requires a strong, stable, democratic Ukraine fully integrated in the Euro-Atlantic community of democracies;

Whereas, during the fifth anniversary commemorating Ukraine's independence, the United States established a strategic partnership with Ukraine to promote the national security interests of the United States in a free, sovereign, and independent Ukrainian state;

Whereas Ukraine is an important European nation, having the second largest territory and sixth largest population in Europe;

Whereas Ukraine is a member of international organizations such as the Council of Europe and the Organization on Security and Cooperation in Europe (OSCE), as well as international financial institutions such as the International Monetary Fund (IMF), the World Bank, and the European Bank for Reconstruction and Development (EBRD);

Whereas in July 1994, Ukraine's presidential elections marked the first peaceful and democratic transfer of executive power among the independent states of the former Soviet Union;

Whereas five years ago, on June 28, 1996, Ukraine's parliament voted to adopt a Ukrainian Constitution, which upholds the values of freedom and democracy, ensures a citizen's right to own private property, and outlines the basis for the rule of law in Ukraine without regard for race, religion, creed, or ethnicity;

Whereas Ukraine has been a paragon of inter-ethnic cooperation and harmony as evidenced by the OSCE's and the United States State Department's annual human rights reports and the international community's commendation for Ukraine's peaceful handling of the Crimean secession disputes in 1994;

Whereas Ukraine, through the efforts of its government, has reversed the downward trend in its economy, experiencing the first real economic growth since its independence in fiscal year 2000 and the first quarter of 2001;

Whereas Ukraine furthered the privatization of its economy through the privatization of agricultural land in 2001, when the former collective farms were turned over to corporations, private individuals, or cooperatives, thus creating an environment that leads to greater economic independence and prosperity;

Whereas Ukraine has taken major steps to stem world nuclear proliferation by ratifying the START I Treaty on nuclear disarmament and the Treaty on the Non-Proliferation of Nuclear Weapons, subsequently has turned over the last of its Soviet-era nuclear warheads on June 1, 1996, and in 1998 agreed not to assist Iran with the completion of a nuclear power plant in Bushehr thought to be used for the possible production of weapons of mass destruction;

Whereas Ukraine has found many methods to implement military cooperation with its European neighbors, as well as peacekeeping initiatives worldwide, as exhibited by Ukraine's participation in the KFOR and IFOR missions in the former Yugoslavia, and offering up its own forces to be part of the greater United Nations border patrol missions in the Middle East and the African continent;

Whereas Ukraine became a member of the North Atlantic Cooperation Council of the North Atlantic Treaty Alliance (NATO), signed a NATO-Ukraine Charter at the Madrid Summit in July 1997, and has been a participant in the Partnership for Peace (PfP) program since 1994 with regular training maneuvers at the Yavoriv military base in Ukraine and on Ukraine's southern-most shores of the Black Sea;

Whereas on June 7, 2001, Ukraine signed a charter for the GUUAM (Georgia, Ukraine, Uzbekistan, Azerbaijan, and Moldova) alliance, in hopes of promoting regional interests, increasing cooperation, and building economic stability; and

Whereas 15 years ago, the Soviet-induced nuclear tragedy of Chornobyl gripped Ukrainian lands with insurmountable curies of radiation which will affect generations of Ukraine's inhabitants, and thus, now, Ukraine promotes safety for its citizens and its neighboring countries, as well as concern for the preservation of the environment by closing the last Chornobyl nuclear reactor on December 15, 2000: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) as a leader of the democratic nations of the world, the United States congratulates the people of Ukraine on their tenth anniversary of independence and supports peace, prosperity, and democracy in Ukraine;

(2) Ukraine has made significant progress in its political reforms during the first ten

years of its independence, as is evident by the adoption of its Constitution five years ago;

(3) the territorial integrity, sovereignty, and independence of Ukraine within its existing borders is an important factor of peace and stability in Europe;

(4) the President, the Prime Minister, and Parliament of Ukraine should continue to enact political reforms necessary to ensure that the executive, legislative, and judicial branches of the Government of Ukraine transparently represent the interests of the Ukrainian people;

(5) the Government and President of Ukraine should promote fundamental democratic principles of freedom of speech, assembly, and a free press;

(6) the Government and President of Ukraine should actively pursue in an open and transparent fashion investigations into violence committed against journalists, including the murders of Heorhiy Gongadze and Ihor Oleksandorv

(7) the Government of Ukraine (including the President and Parliament of Ukraine) should uphold international standards and procedures of free and fair elections in preparation for its upcoming parliamentary elections in March 2002;

(8) the Government of Ukraine (including the President and Parliament of Ukraine) should continue to accelerate its efforts to transform its economy into one founded upon free market principles and governed by the rule of law;

(9) the United States supports all efforts to promote a civil society in Ukraine that features a vibrant community of nongovernmental organizations (NGOs) and an active, independent, and free press;

(10) the Government of Ukraine (including the President and Parliament of Ukraine) should follow a westward-leaning foreign policy whose priority is the integration of Ukraine into Euro-Atlantic structures;

(11) the President of the United States should continue to consider the interests and security of Ukraine in reviewing or revising any European military and security arrangements, understandings, or treaties; and

(12) the President of the United States should continue to support and encourage Ukraine's role in NATO's Partnership for Peace program and the deepening of Ukraine's relationship with NATO.

SEC. 2. TRANSMITTAL OF THE RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States with the further request that the President transmit such copy to the Government of Ukraine.

SENATE CONCURRENT RESOLUTION 63—RECOGNIZING THE IMPORTANT CONTRIBUTIONS OF THE YOUTH FOR LIFE: REMEMBERING WALTER PAYTON INITIATIVE AND ENCOURAGING PARTICIPATION IN THIS NATIONWIDE EFFORT TO EDUCATE YOUNG PEOPLE ABOUT ORGAN AND TISSUE DONATION

Mr. DURBIN (for himself, Mr. FRIST, Mr. ALLEN, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 63

Whereas more than 76,000 men, women, and children currently await life-saving transplants;

Whereas every 14 minutes another name is added to the national transplant waiting list;

Whereas people of all ages and medical histories are potential organ, tissue, and blood donors;

Whereas more than 2,300 of those awaiting transplants are under the age of 18;

Whereas approximately 14,000 children and young adults under the age of 18 have donated organs or tissue since 1988;

Whereas science shows that acceptance rates increase when donors are matched to recipients by age;

Whereas organ donation is often a family decision, and sharing a decision to become a donor with family members can help to ensure a donation when an occasion arises;

Whereas nationwide there are up to 15,000 potential donors annually, but consent from family members to donation is received for less than 6,000;

Whereas educating young people about organ and tissue donation promotes family discussions over the desire of family members to become organ donors;

Whereas Youth For Life: Remembering Walter Payton is committed to educating young adults about organ donation and encouraging students to discuss this decision with their family and register to be organ donors;

Whereas the Youth For Life: Remembering Walter Payton program is dedicated to football legend Walter Payton, who broke the NFL career rushing record on October 7, 1984; and

Whereas Youth For Life: Remembering Walter Payton Day will be held on October 9, 2001: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the purposes and objectives of Youth For Life: Remembering Walter Payton; and

(2) encourages all young people to learn about the importance of organ, tissue, bone marrow, and blood donations and to discuss these donations with their families and friends.

Mr. DURBIN. Madam President, I stand before my colleagues today to acknowledge the contributions made by a dedicated group of young people from my home State of Illinois. John McCaskey, Erin Kinsella and Mark Pendleton have initiated a unique program to raise awareness among young adults about organ donation.

Youth for Life: Remembering Walter Payton works in partnership with the National Football League, NFL, to urge students to become organ donors. Informational school forums will acquaint students with the issue and those who decide to sign an organ donor card will receive an autograph from an NFL player. Program organizers call it ''an autograph for an autograph,'' and to date, they have enlisted the help of players, coaches and alumni from every NFL team.

The program honors Walter Payton, the Illinois football star who brought to the Nation's attention the difficulties patients face while on the waiting list for a donated organ. The NFL's all-time rushing leader, Payton died two years ago while waiting for a liver transplant at age 46.

Walter Payton broke Jim Brown's all-time rushing record on October 7, 1984, and the Youth for Life: Remembering Walter Payton program organizers have decided to launch their efforts on October 9, 2001 to commemorate this accomplishment. While his record-breaking performance on the football field as a Chicago Bear set him apart from his competitors, his struggle to find a suitable organ donor is all too common.

More than 2,300 individuals suffering from a condition serious enough to place them on the waiting list for an organ or tissue transplant are under the age of 18. Last year, 641 of those patients were between the ages of 11 and 17. The Youth for Life: Remembering Walter Payton program highlights the fact that Americans of all ages need organ and tissue transplants. Many factors influence whether or not a transplant will be successful, and matching donor and recipient age is one way to improve surgery outcomes. Anyone can become an organ and tissue donor, and I would also like to emphasize how important it is that young people both learn about organ and tissue donation and share that knowledge with their families.

I am submitting a resolution that will support the purposes and objectives of the Youth for Life: Remembering Walter Payton program and encourage more young people to learn about organ and tissue donation. I am pleased that Senators ALLEN, KENNEDY and FRIST have joined me in cosponsoring this resolution. In the House of Representatives, Representative BROWN of Ohio and Representative LARGENT of Oklahoma have also chosen to lend their support to this program.

My colleagues know how far we have come in this field of medicine, especially Senator FRIST, himself a transplant surgeon. The first successful transplant was the result of a kidney donation from one identical twin to another. It occurred 47 years ago, without the use of any anti-rejection medication. The first liver and heart transplants followed, and progress hascontinued at breakneck speed. Today, transplant procedures are more common, successful and safe. Patients suffering from kidney failure, diabetes, heart disease and hepatitis C are just some of the individuals whose lives have been saved or vastly improved by advances in heart, liver, lung and tissue transplant science.

In addition to expanding the list of disorders treatable or curable with an organ or tissue transplant, doctors and scientists have improved the success and safety of transplant surgery. Organ and tissue recipients survive and thrive today because investments in biomedical research have broadened our

understanding of the immunological factors that can enhance donor and recipient compatibility. Work in the laboratory has led to the discovery of various immunosuppressive drugs that decrease the likelihood of organ and tissue rejection. Increased rates of success have inspired more and more insurers to include transplant procedures and medication as part of the coverage they offer. Yet we continue to neglect an important part of the equation for saving and improving the lives of those patients waiting list for an organ or tissue transplant: Identifying and referring potential donors.

Progress in the field of transplant science is truly remarkable. This progress is why I vote time and time again to invest in medical research. This progress is also why I stand before my colleagues once again to emphasize the critical role played by groups like Youth for Life: Remembering Walter Payton.

The number of registered organ and tissue donors remains woefully inadequate. Every 14 minutes another individual joins the waiting list for an organ or tissue donation. Identifying more donors and encouraging them to discuss consent with their next-of-kin is a part of the battle against disease that we are not winning. We cannot afford to neglect the important work of groups that raise awareness about organ and tissue donation. Increasing knowledge about and inspiring interest in this issue is the only way we can ensure that innovations in the laboratory and increased proficiency among medical providers make a difference in the lives of those patients waiting for a transplant. The need for more donors is acute, and without groups like Youth for Life: Remembering Walter Payton, the number of patients who die while waiting for a transplant will only increase.

I introduced my ''Give Thanks, Give Life'' resolution in 1999, which emphasized the importance of discussing organ and tissue donation with family members to ensure that the desire to donate would be honored. At that time, there were 66,000 patients waiting for transplants. 76,000 individuals are waiting today. Of the 16,000 potential donors each year, less than half will actually result in a donation of an organ or tissue, because too many potential donors fail to discuss their desire to donate with family members.

For those 76,000 Americans who are on the waiting list for an organ or tissue donation, identifying and referring more donors is a matter of life or death. Once the decision to become a donor is made, family members must be made aware of the donor's intention. Youth for Life: Remembering Walter Payton is a commendable program because it tackles both of these barriers to linking organ and tissue donors with patients in need. Not only does the program encourage more individuals to become donors, it also recognizes that young people can take a leading role in initiating family discussion about intentions to be an organ and tissue donor.

This resolution affirms the goals and ideas of the Youth for Life: Remembering Walter Payton program, andurges young people to learn more about the value of organ and tissue donation and share that information with family members. I commend the program's founders for all the good work they have done thus far, and ask that my colleagues join me in recognizing their efforts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1190. Mr. LUGAR proposed an amendment to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers.

SA 1191. Mr. SPECTER (for himself, Ms. LANDRIEU, Ms. COLLINS, Mr. SCHUMER, Ms. SNOWE, Mr. LEAHY, Mr. ALLEN, Mr. BIDEN, Mr. BOND, Mr. BREAUX, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Mr. DODD, Mr. EDWARDS, Mr. FRIST, Mr. GREGG, Mr. HELMS, Mr. HOLLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MILLER, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, of New Hampshire, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1246, supra.

SA 1192. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1193. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1194. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1195. Ms. SNOWE (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1196. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1197. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1198. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1199. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1200. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1201. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1202. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1203. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1204. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1205. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1206. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1207. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1208. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1209. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1246, supra.

SA 1210. Mr. AKAKA (for himself, Mr. GRAHAM, Mr. SMITH, of New Hampshire, Mr. CLELAND, Mr. SCHUMER, Mr. DURBIN, Mr. LEVIN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1211. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1212. Mr. LUGAR proposed an amendment to the bill S. 1246, supra.

TEXT OF AMENDMENTS

SA 1190. Mr. LUGAR proposed an amendment to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; as follows:

Strike everything after the enacting clause and insert the following:

SECTION 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, use $4,622,240,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2001 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2001 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $423,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of quota peanuts or additional peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payment under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Secretary shall use $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387), to producers of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use $84,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 204(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers and first-handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 7. SPECIALTY CROPS.

(A) BASE STATE GRANTS.—The Secretary shall use $26,000,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(1) $500,000 to each of the several States; and

(2) $1,000,000 to the Commonwealth of Puerto Rico.

(b) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $133,400,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount that represents the proportion of the value of specialty crop production in the State in relation to the national value of specialty crop production, as follows:

(1) California, $63,320,000.
(2) Florida, $16,860,000.
(3) Washington, $9,610,000.
(4) Idaho, $43,670,000.
(5) Arizona, $3,430,000
(6) Michigan, $3,250,000.
(7) Oregon, $3,220,000.
(8) Georgia, $2,730,000.
(9) Texas, $2,660,000.
(10) New York, $2,660,000.
(11) Wisconsin, $2,570,000.
(12) North Carolina, $1,540,000.
(13) Colorado, $41,510,000.
(14) North Dakota, $1,380,000.
(15) Minnesota, $1,320,000.
(16) Hawaii, $1,150,000.
(17) New Jersey, $1,100,000.
(18) Pennsylvania, $980,000.
(19) New Mexico, $900,000.
(20) Maine, $880,000.
(21) Ohio, $800,000.
(22) Indiana, $660,000.
(23) Nebraska, $640,000.
(24) Massachusetts, $640,000.
(25) Virginia, $620,000.
(26) Maryland, $500,000.
(27) Louisiana, $460,000.
(28) South Carolina, $440,000.
(29) Tennessee, $400,000.
(30) Illinois, $400,000.
(31) Oklahoma, $390,000.
(32) Alabama, $300,000.
(33) Delaware, $290,000.
(34) Mississippi, $250,000.
(35) Kansas, $210,000.
(36) Arkansas, $210,000.
(37) Missouri, $210,000.
(38) Connecticut, $180,000.
(39) Utah, $140,000.
(40) Montana, $140,000.
(41) New Hampshire, $120,000.
(42) Nevada, $120,000.
(43) Vermont, $120,000.
(44) Iowa, $100,000.
(45) West Virginia, $90,000.
(46) Wyoming, $70,000.
(47) Kentucky, $60,000.
(48) South Dakota, $40,000.
(49) Rhode Island, $40,000.
(50) Alaska, $20,000.

(c) SPECIALTY CROP PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops in the use of the grant funds.

(d) SPECIALTY CROP DEFINED.—In this section, the term ''specialty crop'' means any agricultural crop, except wheat, feed grains, oil-seeds, cotton, rice, peanuts, and tobacco.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States to be used by the States to cover direct and indirect costs related to the processing, transportation, and distribution of commodities to eligible recipient agencies. The grants shall be allocated to States in the manner provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)).

SEC. 9. TECHNICAL CORRECTION REGARDING INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

(a) CONDITIONS ON PAYMENT TO STATE.—Subsection (b) of section 1121 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277 (7 U.S.C. 1421 note), and as amended by section 754 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–42), is amended to read as follows:

''(b) CONDITIONS ON PAYMENT TO STATE.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

''(1) contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2001 (or as soon as administratively practical thereafter), to provide compensation to cotton producers as provided in such subsection;

''(2) requires the recipient of a payment from the indemnity fund to repay the State, for deposit in the indemnity fund, the amount of any duplicate payment the recipient otherwise recovers for such loss of cotton, or the loss of proceeds from the sale of cotton, up to the amount of the payment from the indemnity fund; and

''(3) agrees to deposit in the indemnity fund the proceeds of any bond collected by the State for the benefit of recipients of payments from the indemnity fund, to the extent of such payments.''.

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—Subsection (d) of such section is amended to read as follows:

''(d) ADDITIONAL DISBURSEMENT TO COTTON GINNERS.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a contingent claim, as defined and provided in section 5.1 of chapter 19 of title 2 of the Official Code of Georgia), to compensate cotton ginners (as defined and provided in such section) that—

''(1) incurred a loss as the result of—

''(A) the business failure of any cotton buyer doing business in Georgia; or

''(B) the failure or refusal of any such cotton buyer to pay the contracted price that had been agreed upon by the ginner and the buyer for cotton grown in Georgia on or after January 1, 1997, and had been purchased or contracted by the ginner from cotton producers in Georgia;

''(2) paid cotton producers the amount which the cotton ginner had agreed to pay for such cotton received from such cotton producers in Georgia; and

''(3) satisfy the procedural requirements and deadlines specified in chapter 19 of title 2 of the Official Code of Georgia applicable to cotton ginner claims.''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''Upon the establishment of the indemnity fund, and not later than October 1, 1999, the'' and inserting ''The''.

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive for one or more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2001 crop year may not exceed $150,000.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.

(b) TOTAL AMOUNT OF EXPENDITURES.—The total amount expended under this Act may not exceed $5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro

rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SA 1191. Mr. SPECTER (for himself, Ms. LANDRIEU, Ms. COLLINS, Mr. SCHUMER, Ms. SNOWE, Mr. LEAHY, Mr. ALLEN, Mr. BIDEN, Mr. BOND, Mr. BREAUX, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Mr. DODD, Mr. EDWARDS, Mr. FRIST, Mr. GREGG, Mr. HELMS, Mr. HOLLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MILLER, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; as follows:

On page 45, after line 25, insert the following:

TITLE VII—DAIRY CONSUMERS AND PRODUCERS PROTECTION

SEC. 701. NORTHEAST INTERSTATE DAIRY COMPACT.

Section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) is amended—

(1) in the matter preceding paragraph (1), by striking ''States'' and all that follows through ''Vermont'' and inserting ''States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont'';

(2) by striking paragraphs (1), (3), and (7);

(3) in paragraph (2), by striking ''Class III-A'' and inserting ''Class IV'';

(4) by striking paragraph (4) and inserting the following:

''(4) ADDITIONAL STATE.—Ohio is the only additional State that may join the Northeast Interstate Dairy Compact.'';

(5) in paragraph (5), by striking ''the projected rate of increase'' and all that follows through ''Secretary'' and inserting ''the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code''; and

(6) by redesignating paragraphs (2), (4), (5), and (6) as paragraphs (1), (2), (3), and (4), respectively.

SEC. 702. SOUTHERN DAIRY COMPACT.

(a) IN GENERAL.—Congress consents to the Southern Dairy Compact entered into among the States of Alabama, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, subject to the following conditions:

(1) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Southern Dairy Compact Commission may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a ''Federal milk marketing order'') unless Congress has first consented to and approved such authority by a law enacted after the date of enactment of this joint resolution.

(2) ADDITIONAL STATES.—Florida, Nebraska, and Texas are the only additional States that may join the Southern Dairy Compact, individually or otherwise.

(3) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the CommodityCredit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(4) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Southern Dairy Compact Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Compact Commission and be compensated for that assistance.

(b) COMPACT.—The Southern Dairy Compact is substantially as follows:

''ARTICLE I. STATEMENT OF PURPOSE, FINDINGS AND DECLARATION OF POLICY

''§ 1. Statement of purpose, findings and declaration of policy

''The purpose of this compact is to recognize the interstate character of the southern dairy industry and the prerogative of the states under the United States Constitution to form an interstate commission for the southern region. The mission of the commission is to take such steps as are necessary to assure the continued viability of dairy farming in the south, and to assure consumers of an adequate, local supply of pure and wholesome milk.

''The participating states find and declare that the dairy industry is an essential agricultural activity of the south. Dairy farms, and associated suppliers, marketers, processors and retailers are an integral component of the region's economy. Their ability to provide a stable, local supply of pure, wholesome milk is a matter of great importance to the health and welfare of the region.

''The participating states further find that dairy farms are essential and they are an integral part of the region's rural communities. The farms preserve land for agricultural purposes and provide needed economic stimuli for rural communities.

''In establishing their constitutional regulatory authority over the region's fluid milk market by this compact, the participating states declare their purpose that this compact neither displace the federal order system nor encourage the merging of federal orders. Specific provisions of the compact itself set forth this basic principle.

''Designed as a flexible mechanism able to adjust to changes in a regulated marketplace, the compact also contains a contingency provision should the federal order system be discontinued. In that event, the interstate commission is authorized to regulate the marketplace in replacement of the order system. This contingent authority does not anticipate such a change, however, and should not be so construed. It is only provided should developments in the market other than establishment of this compact result in discontinuance of the order system.

''By entering into this compact, the participating states affirm that their ability to regulate the price which southern dairy farmers receive for their product is essential to the public interest. Assurance of a fair and equitable price for dairy farmers ensures their ability to provide milk to the market and the vitality of the southern dairy industry, with all the associated benefits.

''Recent, dramatic price fluctuations, with a pronounced downward trend, threaten the viability and stability of the southern dairy region. Historically, individual state regulatory action had been an effective emergency remedy available to farmers confronting a distressed market. The federal order system, implemented by the Agricultural Marketing Agreement Act of 1937, establishes only minimum prices paid to producers for raw milk, without preempting the power of states to regulate milk prices above the minimum levels so established.

''In today's regional dairy marketplace, cooperative, rather than individual state action is needed to more effectively address the market disarray. Under our constitutional system, properly authorized states acting cooperatively may exercise more power to regulate interstate commerce than they may assert individually without such authority. For this reason, the participating states invoke their authority to act in common agreement, with the consent of Congress, under the compact clause of the Constitution.

''ARTICLE II. DEFINITIONS AND RULES OF CONSTRUCTION

''§ 2. Definitions

''For the purposes of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

''(1) 'Class I milk' means milk disposed of in fluid form or as a fluid milk product, subject to further definition in accordance with the principles expressed in subdivision (b) of section three.

''(2) 'Commission' means the Southern Dairy Compact Commission established by this compact.

''(3) 'Commission marketing order' means regulations adopted by the commission pursuant to sections nine and ten of this compact in place of a terminated federal marketing order or state dairy regulation. Such order may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission. Such order may establish minimum prices for any or all classes of milk.

''(4) 'Compact' means this interstate compact.

''(5) 'Compact over-order price' means a minimum price required to be paid to producers for Class I milk established by the commission in regulations adopted pursuant to sections nine and ten of this compact, which is above the price established in federal marketing orders or by state farm price regulations in the regulated area. Such price may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission.

''(6) 'Milk' means the lacteral secretion of cows and includes all skim, butterfat, or other constituents obtained from separation or any other process. The term is used in its broadest sense and may be further defined by the commission for regulatory purposes.

''(7) 'Partially regulated plant' means a milk plant not located in a regulated area but having Class I distribution within such area. Commission regulations may exempt plants having such distribution or receipts in amounts less than the limits defined therein.

''(8) 'Participating state' means a state which has become a party to this compact by the enactment of concurring legislation.

''(9) 'Pool plant' means any milk plant located in a regulated area.

''(10) 'Region' means the territorial limits of the states which are parties to this compact.

''(11) 'Regulated area' means any area within the region governed by and defined in regulations establishing a compact over-order price or commission marketing order.

''(12) 'State dairy regulation' means any state regulation of dairy prices, and associated assessments, whether by statute, marketing order or otherwise.

''§ 3. Rules of construction

''(a) This compact shall not be construed to displace existing federal milk marketing orders or state dairy regulation in the region but to supplement them. In the event some or all federal orders in the region are discontinued, the compact shall be construed to provide the commission the option to replace them with one or more commission marketing orders pursuant to this compact.

''(b) The compact shall be construed liberally in order to achieve the purposes and intent enunciated in section one. It is the intent of this compact to establish a basic structure by which the commission may achieve those purposes through the application, adaptation and development of the regulatory techniques historically associated with milk marketing and to afford the commission broad flexibility to devise regulatory mechanisms to achieve the purposes of this compact. In accordance with this intent, the technical terms which are associated with market order regulation and which have acquired commonly understood general meanings are not defined herein but the commission may further define the terms used in this compact and develop additional concepts and define additional terms as it may find appropriate to achieve its purposes.

''ARTICLE III. COMMISSION ESTABLISHED

''§ 4. Commission established

''There is hereby created a commission to administer the compact, composed of delegations from each state in the region. The commission shall be known as the Southern Dairy Compact Commission. A delegation shall include not less than three nor more than five persons. Each delegation shall include at least one dairy farmer who is engaged in the production of milk at the time of appointment or reappointment, and one consumer representative. Delegation members shall be residents and voters of, and subject to such confirmation process as is provided for in the appointing state. Delegation members shall serve no more than three consecutive terms with no single term of more than four years, and be subject to removal for cause. In all other respects, delegation members shall serve in accordance with the laws of the state represented. The compensation, if any, of the members of a state delegation shall be determined and paid by each state, but their expenses shall be paid by the commission.

''§ 5. Voting requirements

''All actions taken by the commission, except for the establishment or termination of an over-order price or commission marketing order, and the adoption, amendment or rescission of the commission's by-laws, shall be by majority vote of the delegations present. Each state delegation shall be entitled to one vote in the conduct of the commission's affairs. Establishment or termination of an over-order price or commission marketing order shall require at least a two-thirds vote of the delegations present. The establishment of a regulated area which covers all or part of a participating state shall require also the affirmative vote of that state's delegation. A majority of the delegations from the participating states shall constitute a quorum for the conduct of the commission's business.

''§ 6. Administration and management

''(a) The commission shall elect annually from among the members of the participating state delegations a chairperson, a vice-chairperson, and a treasurer. The commission shall appoint an executive director and fix his or her duties and compensation. The executive director shall serve at the pleasure of the commission, and together with the treasurer, shall be bonded in an amount determined by the commission. The commission may establish through its by-laws an executive committee composed of one member elected by each delegation.

''(b) The commission shall adopt by-laws for the conduct of its business by a two-thirds vote, and shall have the power by the same vote to amend and rescind these by-laws. The commission shall publish its by-laws in convenient form with the appropriate agency or officer in each of the participating states. The by-laws shall provide for appropriate notice to the delegations of all commission meetings and hearings and of the business to be transacted at such meetings or hearings. Notice also shall be given to other agencies or officers of participating states as provided by the laws of those states.

''(c) The commission shall file an annual report with the Secretary of Agriculture of the United States, and with each of the participating states by submitting copies to the governor, both houses of the legislature, and the head of the state department having responsibilities for agriculture.

''(d) In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

''(1) To sue and be sued in any state or federal court;

''(2) To have a seal and alter the same at pleasure;

''(3) To acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or other similar manner, for its corporate purposes;

''(4) To borrow money and issue notes, to provide for the rights of the holders thereof and to pledge the revenue of the commission as security therefor, subject to the provisions of section eighteen of this compact;

''(5) To appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties and qualifications; and

''(6) To create and abolish such offices, employments and positions as it deems necessary for the purposes of the compact and provide for the removal, term, tenure, compensation, fringe benefits, pension, and retirement rights of its officers and employees. The commission may also retain personal services on a contract basis.

''§ 7. Rulemaking power

''In addition to the power to promulgate a compact over-order price or commission marketing orders as provided by this compact, the commission is further empowered to make and enforce such additional rules and regulations as it deems necessary to implement any provisions of this compact, or to effectuate in any other respect the purposes of this compact.

''ARTICLE IV. POWERS OF THE COMMISSION

''§ 8. Powers to promote regulatory uniformity, simplicity, and interstate cooperation

''The commission is hereby empowered to:

''(1) Investigate or provide for investigations or research projects designed to review the existing laws and regulations of the participating states, to consider their administration and costs, to measure their impact on the production and marketing of milk and their effects on the shipment of milk and milk products within the region.

''(2) Study and recommend to the participating states joint or cooperative programs for the administration of the dairy marketing laws and regulations and to prepare estimates of cost savings and benefits of such programs.

''(3) Encourage the harmonious relationships between the various elements in the industry for the solution of their material problems. Conduct symposia or conferences designed to improve industry relations, or a better understanding of problems.

''(4) Prepare and release periodic reports on activities and results of the commission's efforts to the participating states.

''(5) Review the existing marketing system for milk and milk products and recommend changes in the existing structure for assembly and distribution of milk which may assist, improve or promote more efficient assembly and distribution of milk.

''(6) Investigate costs and charges for producing, hauling, handling, processing, distributing, selling and for all other services performed with respect to milk.

''(7) Examine current economic forces affecting producers, probable trends in production and consumption, the level of dairy farm prices in relation to costs, the financial conditions of dairy farmers, and the need for an emergency order to relieve critical conditions on dairy farms.

''§ 9. Equitable farm prices

''(a) The powers granted in this section and section ten shall apply only to the establishment of a compact over-order price, so long as federal milk marketing orders remain in effect in the region. In the event that any or all such orders are terminated, this article shall authorize the commission to establish one or more commission marketing orders, as herein provided, in the region or parts thereof as defined in the order.

''(b) A compact over-order price established pursuant to this section shall apply only to Class I milk. Such compact over-order price shall not exceed one dollar and

fifty cents per gallon at Atlanta, Ga., however, this compact over-order price shall be adjusted upward or downward at other locations in the region to reflect differences in minimum federal order prices. Beginning in nineteen hundred ninety, and using that year as a base, the foregoing one dollar fifty cents per gallon maximum shall be adjusted annually by the rate of change in the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor. For purposes of the pooling and equalization of an over-order price, the value of milk used in other use classifications shall be calculated at the appropriate class price established pursuant to the applicable federal order or state dairy regulation and the value of unregulated milk shall be calculated in relation to the nearest prevailing class price in accordance with and subject to such adjustments as the commission may prescribe in regulations.

''(c) A commission marketing order shall apply to all classes and uses of milk.

''(d) The commission is hereby empowered to establish a compact over-order price for milk to be paid by pool plants and partially regulated plants. The commission is also empowered to establish a compact over-order price to be paid by all other handlers receiving milk from producers located in a regulated area. This price shall be established either as a compact over-order price or by one or more commission marketing orders. Whenever such a price has been established by either type of regulation, the legal obligation to pay such price shall be determined solely by the terms and purpose of the regulation without regard to the situs of the transfer of title, possession or any other factors not related to the purposes of the regulation and this compact. Producer-handlers as defined in an applicable federal market order shall not be subject to a compact over-order price. The commission shall provide for similar treatment of producer-handlers under commission marketing orders.

''(e) In determining the price, the commission shall consider the balance between production and consumption of milk and milk products in the regulated area, the costs of production including, but not limited to the price of feed, the cost of labor including the reasonable value of the producer's own labor and management, machinery expense, and interest expense, the prevailing price for milk outside the regulated area, the purchasing power of the public and the price necessary to yield a reasonable return to the producer and distributor.

''(f) When establishing a compact over-order price, the commission shall take such other action as is necessary and feasible to help ensure that the over-order price does not cause or compensate producers so as to generate local production of milk in excess of those quantities necessary to assure consumers of an adequate supply for fluid purposes.

''(g) The commission shall whenever possible enter into agreements with state or federal agencies for exchange of information or services for the purpose of reducing regulatory burden and cost of administering the compact. The commission may reimburse other agencies for the reasonable cost of providing these services.

"§ 10. Optional provisions for pricing order

''Regulations establishing a compact over-order price or a commission marketing order may contain, but shall not be limited to any of the following:

''(1) Provisions classifying milk in accordance with the form in which or purpose for which it is used, or creating a flat pricing program.

''(2) With respect to a commission marketing order only, provisions establishing or providing a method for establishing separate minimum prices for each use classification prescribed by the commission, or a single minimum price for milk purchased from producers or associations of producers.

''(3) With respect to an over-order minimum price, provisions establishing or providing a method for establishing such minimum price for Class I milk.

''(4) Provisions for establishing either an over-order price or a commission marketing order may make use of any reasonable method for establishing such price or prices including flat pricing and formula pricing. Provision may also be made for location adjustments, zone differentials and for competitive credits with respect to regulated handlers who market outside the regulated area.

''(5) Provisions for the payment to all producers and associations of producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered, or for the payment of producers delivering milk to the same handler of uniform prices for all milk delivered by them.

''(A) With respect to regulations establishing a compact over-order price, the commission may establish one equalization pool within the regulated area for the sole purpose of equalizing returns to producers throughout the regulated area.

''(B) With respect to any commission marketing order, as defined in section two, subdivision three, which replaces one or more terminated federal orders or state dairy regulations, the marketing area of now separate state or federal orders shall not be merged without the affirmative consent of each state, voting through its delegation, which is partly or wholly included within any such new marketing area.

''(6) Provisions requiring persons who bring Class I milk into the regulated area to make compensatory payments with respect to all such milk to the extent necessary to equalize the cost of milk purchased by handlers subject to a compact over-order price orcommission marketing order. No such provisions shall discriminate against milk producers outside the regulated area. The provisions for compensatory payments may require payment of the difference between the Class I price required to be paid for such milk in the state of production by a federal milk marketing order or state dairy regulation and the Class I price established by the compact over-order price or commission marketing order.

''(7) Provisions specially governing the pricing and pooling of milk handled by partially regulated plants.

''(8) Provisions requiring that the account of any person regulated under the compact over-order price shall be adjusted for any payments made to or received by such persons with respect to a producer settlement fund of any federal or state milk marketing order or other state dairy regulation within the regulated area.

''(9) Provision requiring the payment by handlers of an assessment to cover the costs of the administration and enforcement of such order pursuant to Article VII, Section 18(a).

''(10) Provisions for reimbursement to participants of the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966.

''(11) Other provisions and requirements as the commission may find are necessary or appropriate to effectuate the purposes of this compact and to provide for the payment of fair and equitable minimum prices to producers.

"ARTICLE V. RULEMAKING PROCEDURE

"§ 11. Rulemaking procedure

''Before promulgation of any regulations establishing a compact over-order price or commission marketing order, including any provision with respect to milk supply under subsection 9(f), or amendment thereof, as provided in Article IV, the commission shall conduct an informal rulemaking proceeding to provide interested persons with an opportunity to present data and views. Such rulemaking proceeding shall be governed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553). In addition, the commission shall, to the extent practicable, publish notice of rulemaking proceedings in the official register of each participating state. Before the initial adoption of regulations establishing a compact over-order price or a commission marketing order and thereafter before any amendment with regard to prices or assessments, the commission shall hold a public hearing. The commission may commence a rulemaking proceeding on its own initiative or may in its sole discretion act upon the petition of any person including individual milk producers, any organization of milk producers or handlers, general farm organizations, consumer or public interest groups, and local, state or federal officials.

"§ 12. Findings and referendum

''(a) In addition to the concise general statement of basis and purpose required by section 4(b) of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553(c)), the commission shall make findings of fact with respect to:

''(1) Whether the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.

''(2) What level of prices will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

''(3) Whether the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the order.

''(4) Whether the terms of the proposed regional order or amendment are approved by producers as provided in section thirteen.

"§ 13. Producer referendum

''(a) For the purpose of ascertaining whether the issuance or amendment of regulations establishing a compact over-order price or a commission marketing order, including any provision with respect to milk supply under subsection 9(f), is approved by producers, the commission shall conduct a referendum among producers. The referendum shall be held in a timely manner, as determined by regulation of the commission. The terms and conditions of the proposed order or amendment shall be described by the commission in the ballot used in the conduct of the referendum, but the nature, content, or extent of such description shall not be a basis for attacking the legality of the order or any action relating thereto.

''(b) An order or amendment shall be deemed approved by producers if the commission determines that it is approved by at

least two-thirds of the voting producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which would be regulated under the proposed order or amendment.

''(c) For purposes of any referendum, the commission shall consider the approval or disapproval by any cooperative association of producers, qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the Capper–Volstead Act, bona fide engaged in marketing milk, or in rendering services for or advancing the interests of producers of such commodity, as the approval or disapproval of the producers who are members or stockholders in, or under contract with, such cooperative association of producers, except as provided in subdivision (1) hereof and subject to the provisions of subdivision (2) through (5) hereof.

''(1) No cooperative which has been formed to act as a common marketing agency for both cooperatives and individual producers shall be qualified to block vote for either.

''(2) Any cooperative which is qualified to block vote shall, before submitting its approval or disapproval in any referendum, give prior written notice to each of its members as to whether and how it intends to cast its vote. The notice shall be given in a timely manner as established, and in the form prescribed, by the commission.

''(3) Any producer may obtain a ballot from the commission in order to register approval or disapproval of the proposed order.

''(4) A producer who is a member of a cooperative which has provided notice of its intent to approve or not to approve a proposed order, and who obtains a ballot and with such ballot expresses his approval or disapproval of the proposed order, shall notify the commission as to the name of the cooperative of which he or she is a member, and the commission shall remove such producer's name from the list certified by such cooperative with its corporate vote.

''(5) In order to insure that all milk producers are informed regarding the proposed order, the commission shall notify all milk producers that an order is being considered and that each producer may register his approval or disapproval with the commission either directly or through his or her cooperative.

"§ 14. Termination of over-order price or marketing order

''(a) The commission shall terminate any regulations establishing an over-order price or commission marketing order issued under this article whenever it finds that such order or price obstructs or does not tend to effectuate the declared policy of this compact.

''(b) The commission shall terminate any regulations establishing an over-order price or a commission marketing order issued under this article whenever it finds that such termination is favored by a majority of the producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which is regulated by such order; but such termination shall be effective only if announced on or before such date as may be specified in such marketing agreement or order.

''(c) The termination or suspension of any order or provision thereof, shall not be considered an order within the meaning of this article and shall require no hearing, but shall comply with the requirements for informal rulemaking prescribed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553).

"ARTICLE VI. ENFORCEMENT

"§ 15. Records; reports; access to premises

''(a) The commission may by rule and regulation prescribe record keeping and reporting requirements for all regulated persons. For purposes of the administration and enforcement of this compact, the commission is authorized to examine the books and records of any regulated person relating to his or her milk business and for that purpose, the commission's properly designated officers, employees, or agents shall have full access during normal business hours to the premises and records of all regulated persons.

''(b) Information furnished to or acquired by the commission officers, employees, or its agents pursuant to this section shall be confidential and not subject to disclosure except to the extent that the commission deems disclosure to be necessary in any administrative or judicial proceeding involving the administration or enforcement of this compact, an over-order price, a compact marketing order, or other regulations of the commission. The commission may promulgate regulations further defining the confidentiality of information pursuant to this section. Nothing in this section shall be deemed to prohibit (i) the issuance of general statements based upon the reports of a number of handlers, which do not identify the information furnished by any person, or (ii) the publication by direction of the commission of the name of any person violating any regulation of the commission, together with a statement of the particular provisions violated by such person.

''(c) No officer, employee, or agent of the commission shall intentionally disclose information, by inference or otherwise, which is made confidential pursuant to this section. Any person violating the provisions of this section shall, upon conviction, be subject to a fine of not more than one thousand dollars or to imprisonment for not more than one year, or to both, and shall be removed from office. The commission shall refer any allegation of a violation of this section to the appropriate state enforcement authority or United States Attorney.

"§ 16. Subpoena; hearings and judicial review

''(a) The commission is hereby authorized and empowered by its members and its properly designated officers to administer oaths and issue subpoenas throughout all signatory states to compel the attendance of witnesses and the giving of testimony and the production of other evidence.

''(b) Any handler subject to an order may file a written petition with the commission stating that any such order or any provisionof any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the commission. After such hearing, the commission shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

''(c) The district courts of the United States in any district in which such handler is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within thirty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the commission by delivering to it a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the commission with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to this subdivision shall not impede, hinder, or delay the commission from obtaining relief pursuant to section seventeen. Any proceedings brought pursuant to section seventeen, except where brought by way of counterclaim in proceedings instituted pursuant to this section, shall abate whenever a final decree has been rendered in proceedings between the same parties, and covering the same subject matter, instituted pursuant to this section.

"§ 17. Enforcement with respect to handlers

''(a) Any violation by a handler of the provisions of regulations establishing an over-order price or a commission marketing order, or other regulations adopted pursuant to this compact shall:

''(1) Constitute a violation of the laws of each of the signatory states. Such violation shall render the violator subject to a civil penalty in an amount as may be prescribed by the laws of each of the participating states, recoverable in any state or federal court of competent jurisdiction. Each day such violation continues shall constitute a separate violation.

''(2) Constitute grounds for the revocation of license or permit to engage in the milk business under the applicable laws of the participating states.

''(b) With respect to handlers, the commission shall enforce the provisions of this compact, regulations establishing an over-order price, a commission marketing order or other regulations adopted hereunder by:

''(1) Commencing an action for legal or equitable relief brought in the name of the commission of any state or federal court of competent jurisdiction; or

''(2) Referral to the state agency for enforcement by judicial or administrative remedy with the agreement of the appropriate state agency of a participating state.

''(c) With respect to handlers, the commission may bring an action for injunction to enforce the provisions of this compact or the order or regulations adopted thereunder without being compelled to allege or prove that an adequate remedy of law does not exist.

"ARTICLE VII. FINANCE

"§ 18. Finance of start-up and regular costs

''(a) To provide for its start-up costs, the commission may borrow money pursuant to its general power under section six, subdivision (d), paragraph four. In order to finance the costs of administration and enforcement of this compact, including payback of start-up costs, the commission is hereby empowered to collect an assessmentfrom each handler who purchases milk from producers within the region. If imposed, this assessment shall be collected on a monthly basis for up to one year from the date the commission convenes, in an amount not to exceed $.015 per hundredweight of milk purchased from producers during the period of the assessment. The initial assessment may apply to the projected purchases of handlers for the two-month period following the date the commission convenes. In addition, if regulations establishing an over-order price or a compact marketing order are adopted, they may include an assessment for the specific purpose of their administration. These regulations shall provide for establishment of a

reserve for the commission's ongoing operating expenses.

''(b) The commission shall not pledge the credit of any participating state or of the United States. Notes issued by the commission and all other financial obligations incurred by it, shall be its sole responsibility and no participating state or the United States shall be liable therefor.

''§ 19. Audit and accounts

''(a) The commission shall keep accurate accounts of all receipts and disbursements, which shall be subject to the audit and accounting procedures established under its rules. In addition, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

''(b) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the participating states and by any persons authorized by the commission.

''(c) Nothing contained in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any participating state or of the United States.

''ARTICLE VIII. ENTRY INTO FORCE; ADDITIONAL MEMBERS AND WITHDRAWAL

''§ 20. Entry into force; additional members

''The compact shall enter into force effective when enacted into law by any three states of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia and when the consent of Congress has been obtained.

''§ 21. Withdrawal from compact

''Any participating state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after notice in writing of the withdrawal is given to the commission and the governors of all other participating states. No withdrawal shall affect any liability already incurred by or chargeable to a participating state prior to the time of such withdrawal.

''§ 22. Severability

''If any part or provision of this compact is adjudged invalid by any court, such judgment shall be confined in its operation to the part or provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact. In the event Congress consents to this compact subject to conditions, said conditions shall not impair the validity of this compact when said conditions are accepted by three or more compacting states. A compacting state may accept the conditions of Congress by implementation of this compact.''.

SEC. 703. PACIFIC NORTHWEST DAIRY COMPACT.

Congress consents to a Pacific Northwest Dairy Compact proposed for the States of California, Oregon, and Washington, subject to the following conditions:

(1) TEXT.—The text of the Pacific Northwest Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) References to ''south'', ''southern'', and ''Southern'' shall be changed to ''Pacific Northwest''.

(B) In section 9(b), the reference to ''Atlanta, Georgia'' shall be changed to ''Seattle, Washington''.

(C) In section 20, the reference to ''any three'' and all that follows shall be changed to ''California, Oregon, and Washington.''.

(2) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Dairy Compact Commission established to administer the Pacific Northwest Dairy Compact (referred to in this section as the ''Commission'') may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a ''Federal milk marketing order'').

(3) EFFECTIVE DATE.—Congressional consent under this section takes effect on the date (not later than 3 year after the date of enactment of this Act) on which the Pacific Northwest Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1).

(4) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a price regulation is in effect under the Pacific Northwest Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(5) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

SEC. 704. INTERMOUNTAIN DAIRY COMPACT.

Congress consents to an Intermountain Dairy Compact proposed for the States of Colorado, Nevada, and Utah, subject to the following conditions:

(1) TEXT.—The text of the Intermountain Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) In section 1, the references to ''southern'' and ''south'' shall be changed to ''Intermountain'' and ''Intermountain region'', respectively.

(B) References to ''Southern'' shall be changed to ''Intermountain ''.

(C) In section 9(b), the reference to ''Atlanta, Georgia'' shall be changed to ''Salt Lake City, Utah''.

(D) In section 20, the reference to ''any three'' and all that follows shall be changed to ''Colorado, Nevada, and Utah.''.

(2) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Dairy Compact Commission established to administer the Intermountain Dairy Compact (referred to in thissection as the ''Commission'') may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a ''Federal milk marketing order'').

(3) EFFECTIVE DATE.—Congressional consent under this section takes effect on the date (not later than 3 year after the date of enactment of this Act) on which the Intermountain Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1).

(4) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a price regulation is in effect under the Intermountain Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(5) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

SA 1192. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table, as follows:

In Title I, Section 108(b), strike ''particularly agricultural production in the Northeast and Mid-Atlantic States.''

SA 1193. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

In Title IV, Section 401(a)(3)(A), strike ''or energy emergency'' and insert ''energy emergency or major disaster caused by direct federal action.''

SA 1194. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

In the appropriate place insert the following:

SEC. 13. OMB CERTIFICATION THAT LEGISLATION WILL NOT AFFECT MEDICARE PART A TRUST FUND SURPLUS.

The Secretary may not release the funds to carry out this Act or an amendment made by this Act unless the Director of the Office of Management and Budget certifies that this Act and the amendments made by this Act, when taken together with all other previously-enacted legislation, would not reduce the on-budget surplus for fiscal year 2001 below the level of the Federal Hospital Insurance Trust Fund surplus for the fiscal year.

SA 1195. Ms. SNOWE (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 2 and 3, insert the following:

SEC. 7 . CORPORATE AVERAGE FUEL ECONOMY STANDARDS.

Section 320 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (114 Stat. 1356, 1356A–28), is repealed.

SA 1196. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 7, strike the entire following section:

"SEC. 103. PEANUTS."

SA 1197. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 7 and 8, strike the entire following section:

"SEC. 104. SUGAR."

SA 1198. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 13 through 19, strike the entire following section:

"SEC. 112. TOBACCO."

SA 1199. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 3 and 4, insert the following:

SEC. 801. LIMITATIONS.

(a) INCOME LIMITATION.—Notwithstanding any other provision of this Act, a person that has qualifying gross revenues (as defined in section 196(i)(1) of the Agricultural Market Transition Act (7 U.S.C. 7333(i)(1))) in excess of $2,000,000 during a taxable year (as determined by the Secretary) shall not be eligible to receive a payment, loan, or other assistance under this Act.

(b) ACTIVE FARMERS.—Notwithstanding any other provision of this Act, to be eligible for a payment, loan, or other assistance under this Act with respect to a particular farming operation, an individual of the farming operation must be actively engaged in farming with respect to the operation, as provided in paragraphs (2) through (6) of section 1001A(b) of the Food Security Act of 1985 (7 U.S.C. 1308–1(b)).

SA 1200. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 2 and 3, insert the following:

SEC. 703. BIENNIAL REPORTS ON RELATIVE PRICES OF FARM INPUTS.

Subtitle A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"SEC. 209. BIENNIAL REPORTS ON RELATIVE PRICES OF FARM INPUTS.

"Not later than 180 days after the date of enactment of this section, and biennially thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on—

"(1) the prices of farm inputs paid by agricultural producers in countries that compete with United States agricultural producers, as compared with the prices paid by United States agricultural producers; and

"(2) the effect of any differences in those prices on United States agricultural competitiveness and profitability.".

SA 1201. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 2 and 3, insert the following:

SEC. 703. BIOBASED, BIODEGRADABLE CLEANERS AND SOLVENTS.

In carrying out this Act and other provisions of law, the Secretary shall purchase cleaners and solvents that are biobased and biodegradable unless such cleaners and solvents are not available at a cost that is not more than the cost of, and of a quality that is not less than, cleaners or solvents that are not biobased or biodegradable.

SA 1202. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers, which was ordered to lie on the table, as follows:

Beginning on page 37, strike line 15 and all that follows through page 42, line 5.

SA 1203. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

Beginning on page 26, strike line 3 and all that follows through page 27, line 17.

SA 1204. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

Beginning on page 7, strike line 11 and all that follows through page 8, line 16, and insert the following:

SEC. 104. SUGAR.

Section 156(f) of the Agricultural Market Transition Act (7 U.S.C. 7272(f)) shall notapply with respect to the 2001 crop of sugarcane and sugar beets.

SA 1205. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 2 and 3, insert the following:

SEC. 703. REPORT ON EFFECT OF HIGH ENERGY AND FERTILIZER PRICES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the effect of high energy and fertilizer prices on farm income and the cost of production of agricultural commodities.

SA 1206. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 46, strike lines 2 through 21 and insert the following:

SEC. 701. RESEARCH ON HUMANE ALTERNATIVES TO FORCED MOLTING FOR EGG PRODUCTION.

The Secretary shall use $3,500,000 of funds of the Commodity Credit Corporation to provide grants to conduct research on humane alternatives to the production of eggs using forced molting.

SA 1207. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 37, strike lines 6 through 14 and insert the following:

SEC. 501. RESEARCH ON HUMANE ALTERNATIVES TO FORCED MOLTING FOR EGG PRODUCTION.

The Secretary shall use $3,000,000 of funds of the Commodity Credit Corporation to provide grants to conduct research on humane alternatives to the production of eggs using forced molting.

SA 1208. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 22, strike lines 13 through 25.

SA 1209. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECT SOCIAL SECURITY SURPLUSES ACT OF 2001.

(a) SHORT TITLE.—This section may be cited as the "Protect Social Security Surpluses Act of 2001".

(b) REVISION OF ENFORCING DEFICIT TARGETS.—Section 253 of the Balanced Budget

and Emergency Deficit Control Act of 1985 (2 U.S.C. 903) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) EXCESS DEFICIT; MARGIN.—The excess deficit is, if greater than zero, the estimated deficit for the budget year, minus the margin for that year. In this subsection, the margin for each fiscal year is 0.5 percent of estimated total outlays for that fiscal year.'';

(2) by striking subsection (c) and inserting the following:

''(c) ELIMINATING EXCESS DEFICIT.—Each non-exempt account shall be reduced by a dollar amount calculated by multiplying the baseline level of sequesterable budgetary resources in that account at that time by the uniform percentage necessary to eliminate an excess deficit.''; and

(3) by striking subsections (g) and (h).

(c) MEDICARE EXEMPT.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 253(e)(3)(A), by striking clause (i); and

(2) in section 256, by striking subsection (d).

(d) ECONOMIC AND TECHNICAL ASSUMPTIONS.—Notwithstanding section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(j)), the Office of Management and Budget shall use the economic and technical assumptions underlying the report issued pursuant to section 1106 of title 31, United States Code, for purposes of determining the excess deficit under section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by subsection (b).

(e) APPLICATION OF SEQUESTRATION TO BUDGET ACCOUNTS.—Section 256(k) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(k)) is amended by—

(1) striking paragraph (2); and

(2) redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(f) STRENGTHENING SOCIAL SECURITY POINTS OF ORDER..—

(1) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

''(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.''.

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(3) ENFORCEMENT IN EACH FISCAL YEAR.—The Congressional Budget Act of 1974 is amended in—

(A) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking ''for the fiscal year'' through the period and inserting ''for each fiscal year covered by the resolution''; and

(B) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with ''for the first fiscal year'' through the period and insert the following: ''for any of the fiscal years covered by the concurrent resolution.''.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to fiscal years 2002 through 2006.

SA 1210. Mr. AKAKA (for himself, Mr. GRAHAM, Mr. SMITH of New Hampshire, Mr. CLELAND, Mr. SCHUMER, Mr. DURBIN, Mr. LEVIN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7___. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

(a) IN GENERAL.—Title III of the Packers and Stockyards Act, 1921, (7 U.S.C. 201 et seq.) is amended by adding at the end the following:

''SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

''(a) DEFINITIONS.—In this section:

''(1) HUMANELY EUTHANIZE.—The term 'humanely euthanize' means to kill an animal by mechanical, chemical, or other means that immediately render the animal unconscious, with this state remaining until the animal's death.

''(2) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any livestock that is unable to stand and walk unassisted.

''(b) UNLAWFUL PRACTICES.—It shall be unlawful for any stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out the amendment.

SA 1211. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 3 and 4, insert the following:

SEC. 801. INCOME LIMITATION.

Notwithstanding any other provision of this Act, a person that has qualifying gross revenues (as defined in section 196(i)(1) of the Agricultural Market Transition Act (7 U.S.C. 7333(i)(1))) dervied from for-profit farming, ranching, and forestry operations in excess of $1,000,000 during a taxable year (as determined by the Secretary) shall not be eligible to receive a payment, loan, or other assistance under this Act.

SA 1212. Mr. LUGAR proposed an amendment to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; as follows:

Strike everything after the enacting clause and insert the following:

SECTION 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, use $4,622,240,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2001 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2001 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $423,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of quota peanuts or additional peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Secretary shall sue $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387), to producers of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use $84,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 204(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers and first-handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 7. SPECIALTY CROPS.

(a) BASE STATE GRANTS.—The Secretary shall use $26,000,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(1) $500,000,000 to each of the several States; and

(2) $1,000,000 to the Commonwealth of Puerto Rico.

(b) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $133,400,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount that represents the proportion of the value of specialty crop production in the State in relation to the national value of specialty crop production, as follows:

(1) California, $63,320,000.
(2) Florida, $16,860,000.
(3) Washington, $9,610,000.
(4) Idaho, $3,670,000.
(5) Arizona, $3,430,000.
(6) Michigan, $3,250,000.
(7) Oregon, $3,220,000.
(8) Georgia, $2,730,000.
(9) Texas, $2,660,000.
(10) New York, $2,660,000.
(11) Wisconsin, $2,570,000.
(12) North Carolina, $1,540,000.
(13) Colorado, $1,510,000.
(14) North Dakota, $1,380,000.
(15) Minnesota, $1,320,000.
(16) Hawaii, $1,150,000.
(17) New Jersey, $1,100,000.
(18) Pennsylvania, $980,000.
(19) New Mexico, $900,000.
(20) Maine, $880,000.
(21) Ohio, $800,000.
(22) Indiana, $660,000.
(23) Nebraska, $640,000.
(24) Massachusetts, $640,000.
(25) Virginia, $620,000.
(26) Maryland, $500,000.
(27) Louisiana, $460,000.
(28) South Carolina, $440,000.
(29) Tennessee, $400,000.
(30) Illinois, $400,000.
(31) Oklahoma, $390,000.
(32) Alabama, $300,000.
(33) Delaware, $290,000.
(34) Mississippi, $250,000.
(35) Kansas, $210,000.
(36) Arkansas, $210,000.
(37) Missouri, $210,000.
(38) Connecticut, $180,000.
(39) Utah, $140,000.
(40) Montana, $140,000.
(41) New Hampshire, $120,000.
(42) Nevada, $120,000.
(43) Vermont, $120,000.
(44) Iowa, $100,000.
(45) West Virginia, $90,000.
(46) Wyoming, $70,000.
(47) Kentucky, $60,000.
(48) South Dakota, $40,000.
(49) Rhode Island, $40,000.
(50) Alaska, $20,000.

(c) SPECIALTY CROP PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops in the use of the grant funds.

(d) SPECIALTY CROP DEFINED.—In this section, the term 'specialty crop' means any agricultural crop, except wheat, feed grains, oilseeds, cotton, rice, peanuts, and tobacco.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States to be used by the States to cover direct and indirect costs related to the processing, transportation, and distribution of commodities to eligible recipient agencies. The grants shall be allocated to States in the manner provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)).

SEC. 9. TECHNICAL CORRECTION REGARDING INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

(a) CONDITIONS ON PAYMENT TO STATE.—Subsection (b) of section 1121 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277 (7 U.S.C. 1421 note), and as amended by section 754 of the Agriculture, Rural development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–42), is amended to read as follows:

''(b) CONDITIONS ON PAYMENT TO STATE.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

''(1) contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2002 (or as soon as administratively practical thereafter), to provide compensation to cotton producers as provided in such subsection;

''(2) requires the recipient of a payment from the indemnity fund to repay the State, for deposit in the indemnity fund, the amount of any duplicate payment the recipient otherwise recovers for such loss of cotton, or the loss of proceeds from the sale of cotton, up to the amount of the payment from the indemnity fund; and

''(3) agrees to deposit in the indemnity fund the proceeds of any bond collected by the State for the benefit of recipients of payments from the indemnity fund, to the extent of such payments''.

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—Subsection (d) of such section is amended to read as follows:

''(d) ADDITIONAL DISBURSEMENT TO COTTON GINNERS.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a contingent claim, as defined and provided in section 51 of chapter 19 of title 2 of the Official Code of Georgia), to compensate cotton ginners (as defined as provided in such section) that—

''(1) Incurred a loss as the result of—

''(A) the business failure of any cotton buyer doing business in Georgia; or

''(B) the failure or refusal of any such cotton buyer to pay the contracted price that had been agreed upon by the ginner and the buyer for cotton grown in Georgia on or after January 1, 1997, and had been purchased or contracted by the ginner from cotton producers in Georgia;

''(2) paid cotton producers the amount which the cotton ginner had agreed to pay for such cotton received from such cotton producers in Georgia; and

''(3) satisfy the procedural requirements and deadlines specified in chapter 19 of title 2 of the Official Code of Georgia applicable to cotton ginner claims.''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''Upon the establishment of the indemnity fund, and not later than October 1, 1999, the'' and inserting ''The''.

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING LOCAL DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive for one on more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2001 crop year may not exceed $150,000.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.

(b) TOTAL AMOUNT OF EXPENDITURES.— The total amount expended under this Act may not exceed $5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(c) This section shall be effective one day after enactment.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, July 31, 2001. The purpose of this hearing will be to discuss conservation on working lands for the next Federal farm bill.

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

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 9:30 a.m., in open session to consider the nominations of: John P. Stenbit to be Assistant Secretary of Defense for Command,

Control, Communication and Intelligence; Ronald M. Sega to be Director of Defense Research and Engineering; Mario P. Fiori to be Assistant Secretary of the Army for Installations and Environment; H. T. Johnson to be Assistant Secretary of the Navy for Installations and Environment; Michael L. Dominguez to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs; Michael Parker to be Assistant Secretary of the Army for Civil Works; and Nelson F. Gibbs to be Assistant Secretary of the Air Force for Installations and Environment.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 31, 2001, at 2:30 p.m., on spectrum management and third generation wireless.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, to consider the nominations of Robert Bonner to be Commissioner of Customs; Rosario Marin to be Treasurer of the United States; Jon Huntsman, Jr., to be Deputy United States Trade Representatives; Alex Azar II, to be General Counsel of the Department of Health and Human Services; and Janet Rehnquist to be Inspector General of the Department of Health and Human Services.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 11 a.m., to hold a nomination hearing.

Nominees: The Honorable R. Nicholas Burns, of Massachusetts, to be United States Permanent Representative on Council of NATO with rank of Ambassador; the Honorable Daniel R. Coats, of Indiana, to be Ambassador to the Federal Republic of Germany; Mr. Craig R. Stapleton, of Connecticut, to be Ambassador to the Czech Republic; the Honorable Johnny Young, of Maryland, to be Ambassador to the Republic of Slovenia; and Mr. Richard J. Egan, of Massachusetts, to be Ambassador to Ireland.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 11 a.m., to hold a nomination hearing.

Nominees: Mr. Vincent M. Battle, of the District of Columbia, to be Ambassador to the Republic of Lebanon; the Honorable Edward William Gnehm, Jr., of Georgia, to be Ambassador to the Hashemite Kingdom of Jordan; the Honorable Edmund J. Hull, of Virginia, to be Ambassador to the Republic of Yemen; the Honorable Richard H. Jones, of Nebraska, to be Ambassador to the State of Kuwait; the Honorable Theodore H. Kattouf, of Maryland, to be Ambassador to the Syrian Arab Republic; and Ms. Maureen Quinn, of New Jersey, to be Ambassador to the State of Qatar.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 2 p.m., to hold a nomination hearing.

Nominees: Ms. Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development; Mr. Ross J. Connelly, of Maine, to be Executive Vice President of Overseas Private Investment Corporation; Ms. Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador; Mr. Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund; and Mr. Patrick M. Cronin, of the District of Columbia, to be an Assistant Administrator (for Policy and Program Coordination) of the United States Agency for International Development.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 4 p.m., to hold a nomination hearing.

Nominees: Mr. Robert G. Loftis, of Colorado, to be Ambassador to the Kingdom of Lesotho; the Honorable Joseph G. Sullivan, of Virginia, to be Ambassador to the Republic of Zimbabwe; and Mr. Christopher W. Dell, of New Jersey, to be Ambassador to the Republic of Angola.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, July 31, 2001, at 2:30 p.m., to consider the nomination of Daniel Levinson to be Inspector General, General Services Administration.

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

COMMITTEE ON HEALTH EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health Education, Labor, and Pensions be authorized to meet for a hearing on Workplace Safety and Asbestos Contamination during the session of the Senate on Tuesday, July 31, 2001, at 2 p.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on July 31, 2001, at 10 a.m., in room 485, Russell Senate Building to conduct a business meeting on pending committee business, to be followed immediately by a hearing on Indian Health Care Improvement Act focusing on urban Indian Health Care Programs.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 31, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 689, to convey certain Federal properties on Governors Island, NY; S. 1175, to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton's Headquarters, and for other purposes; S. 1227, to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes; and H.R. 601, to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

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

SUBCOMMITTEE ON SEAPOWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 2:30 p.m., in open session to receive testimony on Navy shipbuilding programs, in review of the Defense authorization request for fiscal year 2002.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Stephanie Zawistowski—I cannot believe I am having trouble with this; my mother's name was Mencha Daneshevsky—

be granted floor privileges during the rest of the day.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent that during the remainder of the debate and consideration of the Emergency Agriculture Assistance Act, Matt Howe, a member of my staff, be granted privileges of the floor.

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

Mr. HARKIN. I ask unanimous consent that Sarah Zessar and Jason Klug be allowed floor privileges during debate on S. 1246.

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

MODIFIED ORDERS FOR WEDNESDAY, AUGUST 1, 2001

Mr. REID. Mr. President, I ask unanimous consent that the previous convening order for tomorrow be modified and provide for the convening of the Senate at 10 a.m., with the remainder of the orders still in effect, and when the Senate resumes consideration of the Agriculture supplemental bill, Senator DASCHLE or his designee be recognized, and that at 11:00 a.m. the motion to proceed and the motion to reconsider the failed cloture vote on H.R. 2299 be agreed to, and the Senate vote without any intervening action or debate on cloture on H.R. 2299; and that the time prior to the vote be equally divided between the two leaders or their designees.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Senator from Mississippi (Mr. COCHRAN) as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group during the 107th Congress.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Oregon (Mr. SMITH) as Vice Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 107th Congress.

COMMENDING JAMES W. ZIGLAR

Mr. REID. Mr. President, I further ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 144, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 144) commending James W. Ziglar for his service to the United States Senate.

There being no objection, the Senate will proceed to the consideration of the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 144) was agreed to.

The preamble was agreed to.

(The text of the resolution is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

Mr. REID. I ask unanimous consent that with respect to H.R. 2647, the legislative branch appropriations bill, and pursuant to the order of July 19, 2001, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appointment conferees.

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

The bill (H.R. 2647), as amended, was read the third time and passed.

Mr. REID. I further ask consent that the remaining provisions of the order of July 19 remain in effect.

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

The Presiding Officer (Mr. CARPER) appointed Mr. DURBIN, Mr. JOHNSON, Mr. REED, Mr. BYRD, Mr. BENNETT, Mr. STEVENS, and Mr. COCHRAN conferees on the part of the Senate.

ENFORCEMENT OF HUMANE METHODS OF SLAUGHTER ACT OF 1958

Mr. REID. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of S. Con. Res. 45 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 45) expressing the sense of the Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating to this measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 45) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 45

Whereas public demand for passage of Public Law 85–765 (commonly known as the ''Humane Methods of Slaughter Act of 1958'') (7 U.S.C. 1901 et seq.) was so great that when President Eisenhower was asked at a press conference if he would sign the bill, he replied, ''If I went by mail, I'd think no one was interested in anything but humane slaughter'';

Whereas the Act requires that animals be rendered insensible to pain when they are slaughtered;

Whereas on April 10, 2001, a Washington Post front page article reported that enforcement records, interviews, videos, and worker affidavits describe repeated violations of the Act and that the Federal Government took no action against a company that was cited 22 times in 1998 for violations of the Act;

Whereas the article asserted that in 1998, the Secretary of Agriculture stopped tracking the number of humane-slaughter violations;

Whereas the article concluded that scientific evidence shows tangible economic benefits when animals are treated well;

Whereas the United States Animal Health Association passed a resolution at an October 1998 meeting to encourage strong enforcement of the Act and reiterated support for the resolution at a meeting in 2000; and

Whereas it is the responsibility of the Secretary of Agriculture to enforce the Act fully: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HUMANE METHODS OF ANIMAL SLAUGHTER.

It is the sense of Congress that—

(1) the Secretary of Agriculture should—

(A) resume tracking the number of violations of Public Law 85–765 (7 U.S.C. 1901 et seq.) and report the results and relevant trends annually to Congress; and

(B) fully enforce Public Law 85–765 by ensuring that humane methods in the slaughter of livestock—

(i) prevent needless suffering;

(ii) result in safer and better working conditions for persons engaged in the slaughtering of livestock;

(iii) bring about improvement of products and economies in slaughtering operations; and

(iv) produce other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce; and

(2) it should be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

ORDER OF BUSINESS

Mr. REID. Mr. President, based on what the majority leader has said and what he has done and the orders that have been entered in the last few minutes, we will convene tomorrow at 10

a.m. and resume consideration of the Agriculture supplemental authorization bill. At 11, Senator DASCHLE will be recognized and the Senate will vote on cloture on the Transportation Appropriations Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, there being no further business, I ask unanimous consent the Chair adjourn the Senate.

There being no objection, the Senate, at 7:28 p.m., adjourned until Wednesday, August 1, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 31, 2001:

DEPARTMENT OF STATE

JOHN F. TURNER, OF WYOMING, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE DAVID B. SANDALOW.

MARTIN J. SILVERSTEIN, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

JOHN N. PALMER, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

BONNIE MCELVEEN-HUNTER, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

BRIAN E. CARLSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

MATTIE R. SHARPLESS, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

R. BARRIE WALKLEY, 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 THE REPUBLIC OF GUINEA.

DEPARTMENT OF JUSTICE

JOHN W. SUTHERS, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE THOMAS LEE STRICKLAND, RESIGNED.

ANNA MILLS S. WAGONER, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE WALTER CLINTON HOLTON, JR., RESIGNED.

THOMAS E. MOSS, OF IDAHO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS, VICE BETTY HANSEN RICHARDSON, RESIGNED.

WILLIAM WALTER MERCER, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS, VICE SHERRY SCHEEL MATTEUCCI, RESIGNED.

MICHAEL G. HEAVICAN, OF NEBRASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS, VICE THOMAS JUSTIN MONAGHAN, RESIGNED.

TODD PETERSON GRAVES, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE STEPHEN LAWRENCE HILL, JR., RESIGNED.

JOHN L. BROWNLEE, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE ROBERT P. CROUCH, JR., RESIGNED.

PAUL K. CHARLTON, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE JOSE DE JESUS RIVERA, RESIGNED.

IN THE ARMY

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 M. LE MOYNE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. LESTER MARTINEZ-LOPEZ, 0000

THE FOLLOWING NAMED 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. DAWN R. HORN, 0000

IN THE NAVY

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. RICHARD K. GALLAGHER JR., 0000
CAPT. THOMAS J. KILCLINE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CURTIS W. MARSH, 0000

DEPARTMENT OF DEFENSE

MARVIN R. SAMBUR, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE LAWRENCE J. DELANEY.

FARM CREDIT ADMINISTRATION

GRACE TRUJILLO DANIEL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE CLYDE ARLIE WHEELER, JR.

FRED L. DAILEY, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE GORDON CLYDE SOUTHERN.

DEPARTMENT OF TRANSPORTATION

MARY E. PETERS, OF ARIZONA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE KENNETH R. WYKLE, RESIGNED.

DEPARTMENT OF JUSTICE

CRANSTON J. MITCHELL, OF MISSOURI, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE TIMOTHY EARL JONES, SR.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KENT R. HILL, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE DONALD LEE PRESSLEY, RESIGNED.

DEPARTMENT OF STATE

JOHN J. DANILOVICH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

LESLIE LENKOWSKY, OF INDIANA, TO BE CHIEF EXECUTIVE OFFICER FOR THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE HARRIS WOFFORD, RESIGNED.

DEPARTMENT OF JUSTICE

EDWARD F. REILLY, OF KANSAS, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

MARIE F. RAGGHIANTI, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE MICHAEL JOHNSTON GAINES, TERM EXPIRED.

GILBERT G. GALLEGOS, OF NEW MEXICO, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE JANIE L. JEFFERS.

CONFIRMATION

Executive Nomination Confirmed by the Senate July 31, 2001:

DEPARTMENT OF JUSTICE

JAMES W. ZIGLAR, OF MISSISSIPPI, TO BE COMMISSIONER OF IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES—*Tuesday, July 31, 2001*

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE) for 5 minutes.

SUPPORT OF THE PRESIDENT'S ENERGY PLAN

Mr. OSBORNE. Mr. Speaker, I recently heard a member of the Committee on Resources make an interesting statement. This individual said that the United States currently has only 3 percent of the known oil reserves in the world. The truth is that we really do not know. We do not know whether it has 3 percent or 5 percent or 15 percent or 20 percent, because for the last 10, 15, 20 years we have done absolutely no exploration. We have had no energy plan.

Mr. Speaker, think about what corporation, what military unit, what athletic team would proceed without a plan and without knowing what its assets were. This is precisely what we have done here in the United States.

I would really encourage people to support the President's energy plan because, number one, it provides a blueprint where there has been none, a plan of action that provides conservation practices and development of alternative fuels. It also provides for exploration which allows us to know what our assets and limitations are. In the event of an international crisis, it will be critical that we know what is there.

SUPPORT FOR A DAY OF DEMOCRACY

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning the Ford-Carter Commission on Election Reform will release its report. One of the striking aspects of its report, and I say striking because it is sometimes rare for commissions to study an issue and offer to give the American people another day off; but I believe this is an important step in acknowledging the very important and pivotal role that the American people play in fostering democracy in this Nation. That is the election of the President of the United States, election of their Federal officials that come about in one group every 4 years. The President, in many instances, Senators and, of course, Members of the House of Representatives are running for reelection.

The Ford-Carter Commission was to assess the plight of elections in this Nation. Certainly a laboratory was the election of November 2000. Not only was Florida a prime example where things can go wrong, but as I traveled around the country listening to voters in many many jurisdictions, this is a problem that is systemic to our Nation and one that we must fix in order to enhance democracy.

We must ensure that every voter has a right to vote. We must ensure that they are knowledgeable about where to vote. We have to ensure that voters are not purged from the list that is kept by their local governmental officials. We must ensure that voters are educated on how to vote and that they are able to utilize high technology equipment.

There are many legislative initiatives that are fostering or looking to improve the election system. I support the Dodd-Conyers legislation and I have offered legislation myself to determine the best technology that this Nation should use.

Many jurisdictions who have the resources have already begun to improve their election system. We must keep in mind, however, that the rush to judgment to improve our election system should not replace one bad system with another. So it is imperative that we create standards and I hope the Ford-Carter commission includes that.

I have a bill, H.R. 934, that has spoken to the issue of a national holiday.

Why a national holiday? One more day for us to be in the shopping malls? I think not. A day that everyone can focus on their most important responsibility, and that is the maintenance of democracy in this Nation, the upkeep of the Constitution. This will allow college students and high school students and working people from all walks of life to participate in a day of democracy. That is what we should call it.

My bill, H.R. 934, says it is a sense of Congress that private employers in the United States should give their employees a day off on the Tuesday next, after the first Monday in November in 2004 and each fourth year thereafter to enable the employees to cast votes in the presidential and other elections held on that day.

But, more importantly, we will not hear of the young mother or the young father or the hard-working individual who says, I just did not get the time to vote. I tried to get back to my polling place, but it was closed. Traffic kept me from voting. Transportation kept me from voting. My employer would not let me have time off to vote.

College students who might want to be poll workers at the polls, a most important responsibility on that day, knowing the laws, assisting people in exercising their democratic right, having those kinds of poll workers assist us along with other professionals as well as the wonderful volunteers we have had to date.

Mr. Speaker, I think it is high time for us to be able to give the kind of credible evidence and the kind of respect for the election system that is long overdue in this Nation. There are many countries around the world that fight for the meager chance to cast their vote. There are many that do not have that chance. There are others who look to us for our leadership and many countries have had us as election monitors.

We can do no less for our citizens than to ensure that every vote counts, to ensure that we have a working system that allows every vote to count, to respect the military votes, to respect those who have done their time in prisons and now want to be the kind of citizens that will have their rights restored, to respect those who have registered and yet now are purged.

There are many things we can do to fix the election system. But I believe one that we can all rally around is the Ford-Carter commission. As I said, this national holiday will not be a shopping day. It will be a day of freedom, a day that we will recognize that every single American goes to the polls acknowledging and respecting our democracy.

When our men and women offer themselves for the ultimate sacrifice in the United States military, they do so so that freedom will reign. Support H.R. 934 as we move to the process of enhancing democracy in this Nation.

CELEBRATING THE CITY OF THOMASVILLE'S 150TH BIRTHDAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. COBLE) is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, the city of Thomasville, North Carolina, will celebrate its 150th birthday in 2002.

When one thinks of Thomasville, there are many things that come to mind: Thomasville Furniture Industries, the Big Chair, the Baptist Children's Orphanage, Everybody's Day, textiles, and high school football.

Thomasville was named for State Senator John W. Thomas, who helped pioneer the construction of the first railroad across North Carolina and, in 1852, created the town of Thomasville around the hustle and bustle of the State's first railroad. In 1857, Thomas finally obtained a charter for the town from the North Carolina General Assembly.

The town of Thomasville grew rapidly with wooden household furniture manufacturing becoming the mainstay of the local economy. Eventually, Thomasville became known as ''The Chair Town'' due to the fact that the products that the Thomasville Chair Company, which eventually became Thomasville Furniture Industries, were almost exclusively simple, sturdy, straight-back chairs.

Today, Thomasville remains an international center for furniture manufacturing; and Thomasville Furniture Industries, its leading manufacturer, has made the name Thomasville known around the globe.

In 1922, in an effort to take advantage of its reputation as ''The Chair Town,'' Thomasville Chair Company erected a gigantic chair in the middle of the town square. The project kept three men working 20 hours a day for 1 week and took the same amount of lumber that would have been required to construct 100 ordinary chairs.

Unfortunately, after 15 years of exposure, the local chair was torn down in 1936. Due to the Depression and the advent of World War II, another chair was not built until 1948. In 1948, once again, Thomasville Chair Company spearheaded the effort to construct another chair, and a decision was made to construct a chair that would stand the test of time.

The concrete chair was a reproduction of the original Duncan Phyfe armchair. Today, the monument stands almost 30 feet high and overlooks the downtown square. In addition to the chair, downtown Thomasville is home to North Carolina's oldest railroad depot which today houses the Thomasville Visitors Center.

Another one of Thomasville's significant contributions is its commitment to the Mills Home Baptist Children's Orphanage, the largest orphanage in the South outside of Texas. The orphanage provides a wide array of very important children's services to the local and State communities.

One of the longest held traditions in Thomasville, Mr. Speaker, is Everybody's Day. We continue to observe it. The first Everybody's Day Festival was held in Thomasville in 1908 and is North Carolina's oldest festival.

In 1910, the Amazon Cotton Mill, one of the Cannon chain of textile mills, opened its doors as did the Jewell cotton mills that same year. Jewell was a result of investments contributed by local investors in the community. Both these mills served as a catalyst for what would become a very vibrant industry, which still exists today.

Last, but certainly not least, Thomasville is home to a long and rich high school football tradition, a tradition of champions begun under the days of Coach George Cushwa, a beloved coach and teacher. In fact, the current football stadium bears his name. Under Cushwa's tutelage emerged an individual in whom many place their hopes for continued success. This man, Coach Allen Brown, did not let the fans down.

Leading the Bulldogs to several State champions and guiding them through the maze of several conference realignments, he was always able to keep his team focused and the fans engaged, continuing in the great tradition of his predecessor.

Today, Mr. Speaker, the Bulldogs are led by yet another great leader and former quarterback, Benjie Brown, who follows in the footsteps of his dad, Allen Brown, and Coach Cushwa.

Needless to say, Mr. Speaker, Thomasville is a vibrant city whose future looms bright, and it is truly an honor for me to be able to recognize this fine city, the Chair Capital of the World on the House floor and wish it well as it begins its celebration for its 150th birthday next year.

TAKING ANOTHER LOOK AT SPRING VALLEY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this morning's editorial in the Washington Post calls for a second look at Spring Valley. This is the area in an exclusive residential neighborhood in Washington, D.C., immediately adjacent to the American University campus, that was 83 years ago the site of American chemical weapons testing and production during World War I. It is one of over 1,000 sites across America where we have unexploded ordnance, military toxins, environmental waste left from the past.

I could not agree more with the Washington Post that it is time for a second look at what is happening in Spring Valley.

Last spring, the gentlewoman from Washington, D.C., (Ms. NORTON) and I led a group of media and concerned citizens to visit the site where we have saw the areas of the concentration of arsenic, the vacant child care center that had many, many times the level of recommended contaminants before it was vacated, that now stands empty where just a few months ago there were young children.

Or looking at the back yard of the Korean Ambassador that is all scratched away where they are trying even now after the second cleanup to finish the job.

Yes, it is time for a second look at the Spring Valley situation to see what happened, who knew the information, to see if people were adequately warned of the dangers. But I think there is a much larger issue here than the management of the Spring Valley site.

As I mentioned, this is one of over 1,000 sites across the country. Indeed, it is hard to find a congressional district that does not have at least one of these situations that is there dealing with a potential threat to the local environment.

It is important that Congress not be missing in action with the issue of unexploded ordnance, which has claimed 65 lives that we have known of, perhaps more, where we have no real understanding of how many thousands, how many hundreds of thousands indeed. Indeed, the estimates are that it could be as many as 50 million acres that are contaminated.

Until Congress gets on top of this issue, I fear that we are going to be putting the Department of Defense in a situation where, with an inadequate budget, they are given no choice but to go from hot spot to hot spot, from the focus of emergency from the media, political pressure or some other contingency forces their attention.

A much better approach is for us to take a comprehensive look. I would suggest that my colleagues join me in cosponsoring H.R. 2605, the Ordnance and Explosive Risk Management Act that calls for the identification of a single person who is in charge. Right now there is not a single point of contact.

It calls for increased work in terms of research so that we know how best to clean up these sites, that we do a comprehensive inventory so at least we know how big the problem is. Of course, we all need to make sure that we are adequately funding this problem.

People who followed this in the news noticed that American University has filed suit against the United States Government for almost $100 million in damages.

Ultimately, we were responsible for cleaning up after ourselves in terms of Federal Government. Those of us who care about promoting livable communities that make our families safe, healthy and economically secure and who believe that the single most powerful tool available to us is not new fees, new laws, new requirements, but rather the Federal Government led by this bill, modeling the behavior that we expect of other Americans whether they are families, businesses or local government.

We have an opportunity to do that right now in moving forward with legislation, with adequate funding to make sure that the toxic legacy of over a century of unexploded ordnance and environmental degradation is taken care of, is addressed, that we do clean up after ourselves.

Mr. Speaker, I strongly urge my colleagues join me in support of H.R. 2605 and that we urge our colleagues on the Committee on Appropriations and the Armed Services Committee to make sure we are all doing our job, making the framework so that Congress is no longer missing in action on the issue of unexploded ordnance.

HONORING THE KABOOM! CORPORATION AND NASCAR FOR THEIR PUBLIC SERVICE CONTRIBUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Georgia (Mr. Isakson) is recognized during morning hour debates for 5 minutes.

Mr. ISAKSON. Mr. Speaker, last night about 10 hours ago this Congress passed the VA–HUD appropriations bill for the year 2002. In so doing, we have appropriated billions of dollars to assist low- and moderate-income Americans in the purchase or rental of their housing.

Mr. Speaker, 13 years ago when George Herbert Walker Bush, the former President of this country, made his acceptance speech, he made a speech about the ''Thousand Points of Light,'' those Americans who go unnoticed every day but do so much good for their fellow man without credit or without compensation.

Today in Washington, D.C., a point of light will shine brightly. Under the auspices of a not-for-profit playground construction company known as KaBOOM! In the Jetu Washington apartment complex where over 500 children reside, a new playground will be dedicated to improve the quality of life and the environment for those children, a safe, attractive and accessible playground. The KaBOOM! Corporation, over the course of many years, has built 270 playgrounds in America for disadvantaged children and assisted in the renovation of 1,200 such playgrounds.

They do so by partnering with the private sector to provide the manpower, the resources and the funding. I am pleased today to acknowledge the Home Depot Corporation and NASCAR, who have partnered to provide the manpower, the funding and the resources for the playground that will be built today.

I particularly want to pay tribute to the Home Depot Corporation. Its founders, Bernie Marcus and Arthur Blank, when they started their company not too many years ago in their first store, insisted on community participation on behalf of their employees, and themselves were philanthropic in the gifts of their money to support good causes.

Last year alone the Home Depot Foundation donated $75 million in America for our at-risk youth, for their recreation and their quality of life, and for their health care. They truly are points of light that make our community better.

So as last night we celebrated the expenditure of billions of dollars in taxpayer money to assist Americans, let us also pay tribute today to the untold billions of dollars in manpower, manhours and actual money donated by those points of light in America who for no reason but the goodness of their hearts make the quality of life for the less fortunate better.

Today in Washington, D.C. that will happen at the Jetu Apartment complex thanks to the not-for-profit company, KaBOOM!, the for-profit companies of NASCAR and Home Depot, two points of light that will make a difference in the lives of hundreds of children.

IN SUPPORT OF CLEAN PATIENTS' BILL OF RIGHTS LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, many of us know now that the Republican leadership postponed any debate or vote on the patients' bill of rights, the HMO reform even though it was scheduled for last week. Now, of course, we are hearing that it may come up this week perhaps as early as Thursday, later on this week.

Mr. Speaker, I mention it because myself and many other Democrats have come to the floor frequently over the last year, and perhaps over the last 2 or 3 years, demanding that we have an opportunity for a clean vote on a real patients' bill of rights because we know of the problems that Americans and our constituents face with abuses when they are in the managed care system, where they have an HMO as their insurer.

What I fear though, Mr. Speaker, from the pronouncements that we are hearing from the Republican leadership is that there will not be an opportunity for a vote on HMO reform unless they have the votes for a weaker version of HMO reform or they call it the patients' bill of rights than what the majority of the Members of this House have been seeking.

The majority of the Members of the House, almost every Democrat and a significant number of Republicans, in the last session of Congress voted for a very strong patients' bill of rights, the one sponsored by the gentleman from Michigan (Mr. DINGELL), who is a Democrat and also by some Republicans, the gentleman from Iowa (Mr. GANSKE), and the gentleman from Georgia (Mr. NORWOOD), who are Republicans.

It is very important that the opportunities be presented here in the House if it is going to happen this week to have a clean vote on the real patients' bill of rights.

I think it is crucial that my colleagues and the public understand that there is a difference between some of the different versions that have been sort of circulating around this Chamber, and to suggest that we are going to have a vote on the patients' bill of rights but not have the opportunity to deal with the really effective strong one, I think would be a major mistake.

Let me give an example of the differences and why I think it is important that we have a vote on the real bill, on the one that is going to make a difference for the average American.

President Bush has said over and over again that he does not support a real patients' bill of rights. He does not support the Dingell-Ganske-Norwood bill because, first of all, there will be too much litigation, too much opportunity to go to court. Secondly, because it will drive up the cost of health insurance.

We know from the Texas insurance, and there are ten other States that have the good bill of rights including my own in New Jersey, that the fear of lawsuits is not real and the fear about increased cost of health insurance or people having their health insurance dropped is not real. In the case of Texas, it is well documented since 1997 when the patients' bill of rights went into effect in that State there were only 17 lawsuits. The average cost of health insurance in Texas has not gone up nearly as much as the national average. So we know that these fears that President Bush talks about are not legitimate.

What the President has been supporting and what the Republican leadership has been supporting is a weakened version of the patients' bill of rights that has been introduced by the gentleman from Kentucky (Mr. FLETCHER).

Just to give an example of what the differences can be on these bills, let me

talk about some of the patients' protections that are guaranteed in the real patients' bill of rights that we would not have in the Fletcher Republican leadership bill. For example, we know that what we want is we want doctors to be able to practice medicine and be able to provide us with the care that they think we need. Well, under the Fletcher bill, for example, doctors could be told by their HMO that they cannot even talk to a patient about a medical procedure that they think a patient needs. It is called the gag rule.

Doctors also would continue to be provided financial incentive, or could under their Fletcher bill by their HMO, financial incentives not to provide us with care because they get more money at the end of the month if they do not have as much procedure, if they do not care for as many people, if they do not do as many operations.

Another very good example is with regard to specialty care. Under the real patients' bill of rights, the Dingell-Norwood-Ganske bill, we basically are able to go to a specialist on a regular basis without having to get authorization each time we want to go. Well, that is not true under the Fletcher bill. For example, under the real patients' bill of rights, a woman can have her OB–GYN as her family practitioner. She does not have to have authorization each time she goes.

Under the real patients' bill of rights, if we need pediatric care, we are guaranteed specialty care for our children, for speciality pediatric care. Under the Fletcher bill neither of these things are true.

So there are real differences here. That is why it is important that we have an opportunity this week to vote on the real patients' bill of rights. I ask the Republican leadership, do not put any roadblocks procedurally in the way through the Committee on Rules so that we do not have a clean vote on the real patients' bill of rights.

Let me talk about another area. Well, I guess my time has run out, Mr. Speaker. But I would ask that we have an opportunity this week to vote on a clean bill.

GRANTING PRESIDENT BUSH TRADE PROMOTION AUTHORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. BRADY) is recognized during morning hour debates for 2 minutes.

Mr. BRADY of Texas. Mr. Speaker, the House of Representatives will consider legislation granting President Bush trade promotion authority. I urge my colleagues to support this legislation.

Why do we need restored trade promotion authority to the President and to America? The answer is jobs and our children's future. Currently the United States is at a severe disadvantage when we have to compete with the rest of the world. Not because of the quality of our products. They are high. But because of the trade barriers we face abroad. According to a report released earlier this year of the estimated 130 free trade agreements around the world, only two today include the United States.

Giving the President this authority to negotiate on our behalf would help give America the tools we need to break down the barriers abroad so we can sell American goods and services around the world and the potential is huge. Ninety-six percent of the world lives outside the United States. Ninety-six percent of the world lives outside our borders. While they cannot all buy the products we buy today, someday they will, and we want them to buy American products.

Here is an interesting static. Half the adults in the world today, half the adults in the world have yet to make their first telephone call. Well, if it is European countries to sell those telephone systems, they will create European jobs. If they are Asian companies that sell those telephone systems, they will create Asian jobs. If they are American companies that sell those telephone systems, we will create American jobs.

These are jobs for our future and for our children going through the schools today.

Countries around the world are hesitant to negotiate trade agreements with us. They are scared Congress will change every agreement 1,000 different ways after it has been negotiated. What trade promotion authority does, it gives Congress, your representatives, a final say on whether an agreement is fair and free. I want that say.

Mr. Speaker, in order to keep America the greatest economic power in the world, we have to be able to compete in the trade arena. The only way we will be able to do this is by granting President Bush trade promotion authority on our behalf.

PRIVATE PENSION BILL FOR RETIRED RAILROAD WORKERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, it is a great morning, but I am going to talk about a disconcerting bill that we might be taking up today or maybe tomorrow. It is the private pension bill for the railroad workers in this country.

The gentleman from Texas (Mr. SAM JOHNSON) and I are sending out a dear colleague this morning, Mr. Speaker. I hope all staff and workers and Members who are concerned about reaching into the Social Security-Medicare trust fund next year will take a look at this dear colleague, and then take a look at the railroad retirement bill that cost $15 billion.

I have been working on Social Security since I came here in 1993. In working with the Social Security system and researching its origins back to 1934, I discovered that the railroad employees were included in the social security system at that time in 1934.

The railroad workers and employers who were tremendously influential politically back in the 1930's as they are today, came to Congress and said we do not want to be part of the Social Security system, we want our own pension system. So government passed a law and took them out, and it became sort of a quasi-governmental pension system for this private industry—the only private industry that has sort of this government back-up of a private pension system.

The railroad retirement system was established during the 1930's on a pay-as-you-go basis just like Social Security; but unlike Social Security, which now has three workers to support every one retiree, the railroad retirement system has three beneficiaries being supported by every one worker. That is why they have come back to Congress so many times to ask the American taxpayer to bail out their pension system.

The disproportionate ratio of beneficiaries to workers is a direct result of historical decline in railroad employment. Since 1945, the number of railroad workers has declined to 240,000 from 1.7 million. So we can see as there are fewer workers, but all the existing retirees are living longer life spans, it has come to a tremendous burden on that workers asking each worker to have the kind of contribution that would support three retirees, so they have not been able to do it.

Declining employment. Many benefit increases have produced chronic deficits. The railroad retirement system has spent more than it has collected in payroll taxes every year since 1957. I want to say that again. The railroad retirement system has spent more than it has collected in payroll taxes every year since 1957. The cumulative shortfall since 1957 is $90 billion. That $90 billion has come from other taxpayers paying into this private taxpayer system.

So I think everybody can believe me, Mr. Speaker, when I say the influence of the railroad workers and the railroad system has been very influential in the United States Congress. Although railroad workers and their employers currently pay a 33.4 percent payroll tax excluding Medicare and unemployment, the railroad retirement system still spends $4 billion more than it collects in payroll deductions each year. So every year we are subsidizing

and putting money back into the railroad retirement system out of the general fund.

Despite the payroll tax shortfall, the railroad retirement system remains technically solvent thanks to these generous taxpayer subsidies. The American taxpayer has bailed out the retirement system to the extent that those retirement funds now claim a $20 billion surplus, not a $90 billion deficit. So this bill that is proposed to come up takes $15 billion out of the general fund next year and gives it to a railroad retirement board investment effort where they invest it and spend it for current retirees.

But the challenge is while we are passing these bills, we are reducing the payroll tax that these workers pay in and we increase benefits. We have increased benefits for widows, and we allow those workers to retire in the railroad system, under this proposed legislation that is coming before us, to retire at 60 years old with full benefits. Of course, on Social Security what we have done over the years is we have increased that, and now we are in the mode of taking that full benefit eligibility up to 67 years old for Social Security.

So in this railroad bill, we have reduced the tax they pay; we have increased the benefits. I hope everybody will study this issue very closely because if we are going to pass this kind of legislation, we should at least take American taxpayers off the hook in the future.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 40 minutes a.m.) the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GUTKNECHT) at 10 a.m.

PRAYER

The Reverend Monsignor John Brenkle, St. Helena Catholic Church, St. Helena, California, offered the following prayer:

Father, Your name is indeed Alpha and Omega, the beginning and the end. How fitting it is to begin all of our enterprises conscious of Your guiding Spirit and to give You praise when our affairs have ended well.

As we join together to begin today the work of making this Nation a land of peace and justice, may we humble ourselves before You, acknowledging that who we are and what we do is Your gift, Your grace.

Help us always to remember that You have called us to be servants and that the greatness of our life as a nation and as individuals is to be measured by how generously and wisely we serve each other.

Let Your presence and Your blessings descend upon this Chamber and upon each of its Members as they begin this new day and may they at its end experience the rewards of a day well spent in the service of others. For this we pray. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

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

WELCOMING THE REVEREND MONSIGNOR JOHN BRENKLE

(Mr. THOMPSON of California asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of California. Mr. Speaker, I am honored to have such a truly genuine servant and good friend lead us in today's opening prayer. Father John Brenkle—Monsignor John Brenkle—has humbly and effectively served our diocese for over 30 years and has been pastor at the St. Helena Catholic Church for nearly 20 years.

He has worked tirelessly with local, State and Federal officials, housing advocates and the wine industry within the Napa Valley to improve farm worker housing in our area.

In addition to St. Helena, Father Brenkle has served the diocese by leading two other parishes and serving as a school principal. He has been both a forceful presence and silent leader and has the respect and the admiration of our entire community regardless of their religious affiliation.

I thank my colleagues for allowing him to lead us in prayer today.

CLONING

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

Mr. PITTS. Mr. Speaker, the columnist Charles Krauthammer called legislation that we are going to consider today to permit cloning human embryos a ''nightmare and an abomination.'' It truly is.

Some of those who support this proposal are so eager to clone human beings that they have taken to twisting the truth to promote their arguments. The latest thing they are saying is that cloned embryos are not really embryos at all. They say that if you use body cells instead of sperm to fertilize an egg, that that really is not an embryo.

Mr. Speaker, that is ridiculous. Take a look at this picture of Dolly the sheep. Everybody knows that Dolly is a clone. Dolly was made by fertilizing a sheep egg with a cell taken from the mammary gland of another sheep. It took 277 tries before they got a clone that worked. Now she is 5 years old.

Those who argue that cloned human embryos are not really embryos might as well argue that Dolly is not a sheep. That is ridiculous.

Cloning human beings is wrong. Eighty-eight percent of the American people do not want scientists to create human embryos for the purpose of experimentation, harvesting and destruction. We will be voting later today to ban all human cloning. Support the Weldon-Stupak bill.

IRS COMMISSIONER ROSSOTTI

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

Mr. TRAFICANT. The legal group Judicial Watch has charged IRS Commissioner Rossotti with conflict of interest involving a company he founded. Rossotti still owns stock in the company, his wife works there, and Rossotti buys software from this company for the IRS.

That is right. Rossotti buys from Rossotti. If that is not enough to roast

your chestnuts, the charge claims, and I quote, Rossotti got a conflict waiver from the Clinton administration in exchange for targeting and auditing Clinton's opponents.

What is the surprise? In addition, Rossotti is scheduled for another big, fat bonus from Congress.

Beam me up. The Internal Rectal Service does not need bonuses, they need abolished.

I yield back the fact that if a Member of Congress did what Rossotti did, you would go straight to the slammer.

ENERGY PRODUCTION NEEDED FOR OUR FUTURE

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

Mr. GIBBONS. Mr. Speaker, the energy crisis America is facing is still with us. Americans need our country to invest in and produce more energy from the few sites we have available on our public lands. That is the goal of the bipartisan Energy Security Act which will allow for the production of wind, solar and geothermal energies on public lands. These are clean energies, renewable energies that leave our environment untouched.

We cannot keep pretending our energy challenges will take care of themselves if we just wait long enough. When we fail to act, prices rise and our seniors and small businesses, our farmers and low-income families suffer. They suffered last winter. They suffered this spring. They are suffering now under the hot summer sun. Be assured, without a comprehensive plan they will suffer next year, and the year after that.

We need to have the courage and the vision to realize that increased energy production plays a key role in a sound national energy policy. We need to pass the Republican energy package for the sake of our future, for the sake of America.

H.R. 2540, VETERANS BENEFITS ACT OF 2001

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

Mr. SHOWS. Mr. Speaker, I am so proud to be here as a member of the House Committee on Veterans' Affairs to share my strong support of H.R. 2540, the Veterans Benefits Act of 2001.

These men and women, uprooted from their families and communities, served our country with honor and dignity. Yet when it was time for the VA to serve them, thousands were categorically denied.

Earlier this year, I introduced H.R. 612, the Persian Gulf War Illness Compensation Act of 2001 with two other outstanding advocates for veterans, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from California (Mr. GALLEGLY). This legislation garnered strong bipartisan support from over 225 Members of the House.

The Veterans Benefits Act of 2001 will now clarify VA standards for compensation by recognizing fibromyalgia, chronic fatigue syndrome, multiple chemical sensitivity, and other ailments as key symptoms of undiagnosed or poorly defined illnesses associated with Gulf War service. Additionally, this bill extends the presumptive period for undiagnosed illnesses to December 31, 2003. This is a true victory for veterans.

Mr. Speaker, these veterans put their lives on the land to protect, defend and advance the ideals of democracy.

Vote for this bill. It is the right thing to do.

TRADE PROMOTION AUTHORITY

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

Mr. KNOLLENBERG. Mr. Speaker, Congress must pass trade promotion authority. International trade is an essential part of the U.S. economy. But when it comes to trade agreements, the U.S. is lagging behind significantly. Of the 130 preferential trade agreements that exist, the U.S. is a party to only two: NAFTA and a free trade agreement with Israel. That is it. The European Union has 27, 20 of which have been negotiated in the last 10 years. While the rest of the world is moving rapidly ahead, we are not.

Canada, our neighbor to the north, has agreements throughout the southern hemisphere. There are currently over 12 million U.S. jobs that depend upon exports. American jobs that export goods pay up to 18 percent more than the U.S. national average. As we can see, trade agreements are a crucial element for the success of the U.S. economy. Remember, the jobs stay here; the products are exported overseas.

Mr. Speaker, in order to get back in the game and develop a stronger economy, I urge my colleagues to join me in supporting trade promotion authority.

PROUD TO SALUTE THE HONORABLE DONNA SHALALA, NEW PRESIDENT OF THE UNIVERSITY OF MIAMI

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to salute the Honorable Donna Shalala who has assumed the reins as the fifth president of the University of Miami. Donna Shalala was U.S. history's longest serving Secretary of the U.S. Department of Health and Human Services. During her tenure, Dr. Shalala distinguished herself on a broad range of issues, including taking care of the needs of our elderly and our Nation's children.

She led campaigns for child immunization, for biomedical research, and played a key role in reforming our welfare system. In fact, the Washington Post described her as ''one of the most successful government managers of our time.''

Donna brings to UM more than 25 years of experience in education, also, including serving as President of Hunter College. As chancellor of the University of Wisconsin-Madison, she was the first woman to head a Big 10 university.

The University of Miami is already a leader in international and medical education, biomedical research and environmental sciences, but with Donna Shalala at its helm, UM will be certain to reach great new heights.

The Florida congressional delegation welcomes Donna Shalala back to Washington, D.C. today and looks forward to helping her achieve her vision for the future of the University of Miami and for our South Florida community.

MANAGED CARE LEGISLATION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, some health plans systematically obstruct, delay and deny care. That is a fact.

Earlier this year, Republicans and Democrats negotiated a bill that contains the minimum protections necessary to get health insurance back on track. Ganske-Dingell reminds HMOs that they are being paid to provide coverage, not excuses. And it contains a right to sue with enough teeth in it to deter health plans from cheating their enrollees, and enough definition to preclude frivolous lawsuits.

Recourse in the courts is essential. If we tell HMOs that they are accountable, we must hold them accountable. Unfortunately, the Fletcher bill compromises away the two most important patient protections, leaving HMOs thrilled and consumers no better off. It provides a right to sue that cannot actually be exercised and a right to an external appeals process that simply cannot be trusted.

We need to enact legislation that does not just sound like it protects patients but actually does protect patients. Ganske-Dingell fits that bill. I ask for House support.

□ 1015

SUPPORT FLETCHER HEALTH CARE REFORM

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am going to talk about Benny Johnson, no relationship.

Benny Johnson of Logic I sales in Richardson, Texas, employs 18 people and pays over $80,000 a year for health insurance for himself, his employees, and their families. Benny has paid for their health insurance for nearly 20 years.

If health insurance premiums rise much higher, Benny is going to have to reduce benefits, drop coverage, or change plans, ending relationships with doctors they trust and know. Why would his premiums go up? Because of the McCain-Kennedy legislation in the House and Senate, which everybody knows would drive costs up.

This potentially could add Benny and his employees, and their families, to the 43 million Americans without health insurance.

It is just plain wrong. It has to stop. We have to think of Benny, his employees, and his families. Let us support the Fletcher bill.

STRENGTHENING AMERICA'S LEADERSHIP ON TRADE

(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, in just a few minutes, the gentleman from California (Chairman THOMAS) will begin the debate on the very important U.S.-Jordan Free Trade Agreement, but I want to take a moment to talk about a very important issue which we are going to be phasing in in the not-too-distant future, and that is the issue of Trade Promotion Authority.

Since that authority expired in 1994, our trading partners have been very busy negotiating a web of trade agreements that excludes the United States. Today we sit here wasting valuable time that the President and his trade negotiators could be using to improve the lives of families here in the United States and around the world.

Free trade has been a boom for the American family, from higher paying jobs to lower prices. The North American Free Trade Agreement and the World Trade Organization have increased the overall national income by $40 billion to $60 billion. Continued efforts to open new markets help working families that bear the brunt of hidden imported taxes on everyday items like clothes, food, and electronics. And, with 97 percent of exporters coming from small or medium-sized companies, increased exports mean better, higher paying export jobs for workers that make up the heart and soul of this country.

Along with American workers, open trade has helped to raise more than 100 million people out of poverty in the last decade. A recent World Bank study showed that developing countries that participate actively in trade grow faster and reduce poverty faster than countries that isolate themselves.

We should grant the President Trade Promotion Authority as soon as possible to ensure that the United States continues to lead in the global economy and the fight to spread democracy and freedom throughout the world.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

UNITED STATES-JORDAN FREE TRADE AREA IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2603) to implement the agreement establishing a United States-Jordan free trade area, as amended.

The Clerk read as follows:

H.R. 2603

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 ''United States-Jordan Free Trade Area Implementation Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to implement the agreement between the United States and Jordan establishing a free trade area;

(2) to strengthen and develop the economic relations between the United States and Jordan for their mutual benefit; and

(3) to establish free trade between the 2 nations through the removal of trade barriers.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) AGREEMENT.—The term ''Agreement'' means the Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area, entered into on October 24, 2000.

(2) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

TITLE I—TARIFF MODIFICATIONS; RULES OF ORIGIN

SEC. 101. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties,

as the President determines to be necessary or appropriate to carry out article 2.1 of the Agreement and the schedule of duty reductions with respect to Jordan set out in Annex 2.1 of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Jordan provided for by the Agreement.

SEC. 102. RULES OF ORIGIN.

(a) IN GENERAL.—

(1) ELIGIBLE ARTICLES.—

(A) IN GENERAL.—The reduction or elimination of any duty imposed on any article by the United States provided for in the Agreement shall apply only if—

(i) that article is imported directly from Jordan into the customs territory of the United States; and

(ii) that article—

(I) is wholly the growth, product, or manufacture of Jordan; or

(II) is a new or different article of commerce that has been grown, produced, or manufactured in Jordan and meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) GENERAL RULE.—The requirements of this subparagraph are that with respect to an article described in subparagraph (A)(ii)(II), the sum of—

(I) the cost or value of the materials produced in Jordan, plus

(II) the direct costs of processing operations performed in Jordan,

is not less than 35 percent of the appraised value of such article at the time it is entered.

(ii) MATERIALS PRODUCED IN UNITED STATES.—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article to which this paragraph applies, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied toward determining the percentage referred to in clause (i).

(2) EXCLUSIONS.—No article may be considered to meet the requirements of paragraph (1)(A) by virtue of having merely undergone—

(A) simple combining or packaging operations; or

(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(b) DIRECT COSTS OF PROCESSING OPERATIONS.—

(1) IN GENERAL.—As used in this section, the term ''direct costs of processing operations'' includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training, and the cost of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

(2) EXCLUDED COSTS.—The term ''direct costs of processing operations'' does not include costs which are not directly attributable to the merchandise concerned, or are not costs of manufacturing the product, such as—

(A) profit; and

(B) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions, or expenses.

(c) TEXTILE AND APPAREL ARTICLES.—

(1) IN GENERAL.—A textile or apparel article imported directly from Jordan into the customs territory of the United States shall be considered to meet the requirements of paragraph (1)(A) of subsection (a) only if—

(A) the article is wholly obtained or produced in Jordan;

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in Jordan, or

(ii) the continuous filament is extruded in Jordan;

(C) the article is a fabric, including a fabric classified under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in Jordan; or

(D) the article is any other textile or apparel article that is wholly assembled in Jordan from its component pieces.

(2) DEFINITION.—For purposes of paragraph (1), an article is ''wholly obtained or produced in Jordan'' if it is wholly the growth, product, or manufacture of Jordan.

(3) SPECIAL RULES.—

(A) CERTAIN MADE-UP ARTICLES, TEXTILE ARTICLES IN THE PIECE, AND CERTAIN OTHER TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classified under one of the following headings or subheadings of the HTS shall be considered to meet the requirements of paragraph (1)(A) of subsection (a): 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) CERTAIN KNIT-TO-SHAPE TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article which is knit-to-shape in Jordan shall be considered to meet the requirements of paragraph (1)(A) of subsection (a).

(C) CERTAIN DYED AND PRINTED TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D), a good classified under heading 6117.10, 6213.00, 6214.00. 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for a good classified under any such heading as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to meet the requirements of paragraph (1)(A) of subsection (a) if the fabric in the good is both dyed and printed in Jordan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(D) FABRICS OF SILK, COTTON, MANMADE FIBER OR VEGETABLE FIBER.— Notwithstanding paragraph (1)(C), a fabric classified under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to meet the requirements of paragraph (1)(A) of subsection (a) if the fabric is both dyed and printed in Jordan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(4) MULTICOUNTRY RULE.—If the origin of a textile or apparel article cannot be determined under paragraph (1) or (3), then that article shall be considered to meet the requirements of paragraph (1)(A) of subsection (a) if—

(A) the most important assembly or manufacturing process occurs in Jordan; or

(B) if the applicability of paragraph (1)(A) of subsection (a) cannot be determined under subparagraph (A), the last important assembly or manufacturing occurs in Jordan.

(d) EXCLUSION.—A good shall not be considered to meet the requirements of paragraph (1)(A) of subsection (a) if the good—

(1) is imported into Jordan, and, at the time of importation, would be classified under heading 0805 of the HTS; and

(2) is processed in Jordan into a good classified under any of subheadings 2009.11 through 2009.30 of the HTS.

(e) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this section.

TITLE II—RELIEF FROM IMPORTS

Subtitle A—General Provisions

SEC. 201. DEFINITIONS.

As used in this title:

(1) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(2) JORDANIAN ARTICLE.—The term ''Jordanian article'' means an article that qualifies for reduction or elimination of a duty under section 102.

Subtitle B—Relief From Imports Benefiting From The Agreement

SEC. 211. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974.

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—

(1) IN GENERAL.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Jordanian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Jordanian article alone constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) CAUSATION.—For purposes of this subtitle, a Jordanian article is being imported into the United States in increased quantities as a result of the reduction or elimination of a duty provided for under the Agreement if the reduction or elimination is a cause that contributes significantly to the increase in imports. Such cause need not be equal to or greater than any other cause.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Jordanian article if import relief has been provided under this subtitle with respect to that article.

SEC. 212. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—By no later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 211(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, the Commission shall find, and recommend to the President in the report required under subsection (c), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to that described in section 213(c).

(c) REPORT TO PRESIDENT.—No later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that shall include—

(1) a statement of the basis for the determination;

(2) dissenting and separate views; and

(3) any finding made under subsection (b) regarding import relief.

(d) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (c), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

(e) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

SEC. 213. PROVISION OF RELIEF.

(a) IN GENERAL.—No later than the date that is 30 days after the date on which the President receives the report of the Commission containing an affirmative determination of the Commission under section 212(a), the President shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to prevent or remedy the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition, unless the President determines that the provision of such relief is not in the national economic interest of the United States or, in extraordinary circumstances, that the provision of such relief would cause serious harm to the national security of the United States.

(b) NATIONAL ECONOMIC INTEREST.—The President may determine under subsection (a) that providing import relief is not in the national economic interest of the United States only if the President finds that taking such action would have an adverse impact on the United States economy clearly greater than the benefits of taking such action.

(c) NATURE OF RELIEF.—The import relief (including provisional relief) that the President is authorized to provide under this subtitle with respect to imports of an article is—

(1) the suspension of any further reduction provided for under the United States Schedule to Annex 2.1 of the Agreement in the duty imposed on that article;

(2) an increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force; or

(3) in the case of a duty applied on a seasonal basis to that article, an increase in the rate of duty imposed on the article to a level that does not exceed the column 1 general rate of duty imposed under the HTS on the article for the corresponding season occurring immediately before the date on which the Agreement enters into force.

(d) PERIOD OF RELIEF.—The import relief that the President is authorized to provide under this section may not exceed 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this subtitle is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which termination occurs shall be the rate that, according to the United States Schedule to Annex 2.1 of the Agreement for the staged elimination of the tariff, would have been in effect 1 year after the initiation of the import relief action under section 211; and

(2) the tariff treatment for that article after December 31 of the year in which termination occurs shall be, at the discretion of the President, either—

(A) the rate of duty conforming to the applicable rate set out in the United States Schedule to Annex 2.1; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set out in the United States Schedule to Annex 2.1 for the elimination of the tariff.

SEC. 214. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Except as provided in subsection (b), no import relief may be provided under this subtitle after the date that is 15 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—Import relief may be provided under this subtitle in the case of a Jordanian article after the date on which such relief would, but for this subsection, terminate under subsection (a), but only if the Government of Jordan consents to such provision.

SEC. 215. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 213 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 216. SUBMISSION OF PETITIONS.

A petition for import relief may be submitted to the Commission under—

(1) this subtitle;

(2) chapter 1 of title II of the Trade Act of 1974; or

(3) under both this subtitle and such chapter 1 at the same time, in which case the Commission shall consider such petitions jointly.

Subtitle C—Cases Under Title II Of The Trade Act of 1974

SEC. 221. FINDINGS AND ACTION ON JORDANIAN IMPORTS.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974, the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article from Jordan are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL ACTION REGARDING JORDANIAN IMPORTS.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President shall determine whether imports from Jordan are a substantial cause of the serious injury found by the Commission and, if such determination is in the negative, may exclude from such action imports from Jordan.

SEC. 222. TECHNICAL AMENDMENT.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and part 1'' and inserting '', part 1''; and

(2) by inserting before the period at the end '', and title II of the United States-Jordan Free Trade Area Implementation Act''.

TITLE III—TEMPORARY ENTRY

SEC. 301. NONIMMIGRANT TRADERS AND INVESTORS.

Upon the basis of reciprocity secured by the Agreement, an alien who is a national of Jordan (and any spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) of the alien, if accompanying or following to join the alien) shall be considered as entitled to enter the United States under and in pursuance of the provisions of the Agreement as a nonimmigrant described in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), if the entry is solely for a purpose described in clause (i) or (ii) of such section and the alien is otherwise admissible to the United States as such a nonimmigrant.

TITLE IV—GENERAL PROVISIONS

SEC. 401. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year after fiscal year 2001 to the Department of Commerce not more than $100,000 for the payment of the United States share of the expenses incurred in dispute settlement proceedings under article 17 of the Agreement.

SEC. 403. IMPLEMENTING REGULATIONS.

After the date of enactment of this Act—

(1) the President may proclaim such actions, and

(2) other appropriate officers of the United States may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date the Agreement enters into force.

SEC. 404. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement ceases to be in force, the provisions of this Act (other than this subsection) and the amendments made by this Act, shall cease to be effective.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

Mr. Speaker, first of all I want to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Chairman SENSENBRENNER), for their willingness to expedite this process. As you know, many committees share jurisdiction over issues; and on this particular piece of legislation, notwithstanding the Committee on the Judiciary's jurisdictional prerogative, they were willing to exchange letters with us so that we might move forward.

As Chair of the Committee on Ways and Means, I include these letters for the record and thank the gentleman from Wisconsin (Chairman SENSENBRENNER).

COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 30, 2001.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR JIM: Thank you for your letter regarding H.R. 2603, the ''United States-Jordan Free Trade Area Implementation Act of 2001.''

As you have noted, the Committee on Ways and Means ordered favorably reported, H.R. 2603, ''United States-Jordan Free Trade Area Implementation Act of 2001,'' on Thursday, July 26, 2001. I appreciate your agreement to expedite the passage of this legislation despite containing provisions within your Committee's jurisdiction. I acknowledge your decision to forego further action on the bill was based on the understanding that it will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives or the appointment of conferees on this or similar legislation.

Finally, I will include in the Congressional Record a copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

COMMITTEE ON THE JUDICIARY,
Washington, DC, July 30, 2001.

Hon. WILLIAM M. THOMAS,
Chairman, House Committee on Ways and Means, Longworth HOB, House of Representatives, Washington, DC.

DEAR BILL: Thank you for working with me regarding H.R. 1484, the ''United States-Jordan Free Trade Areas Implementation Act,'' which was referred to the Committee on Ways and Means and the Committee on the Judiciary. As you know, the Committee on the Judiciary has a jurisdictional interest in this legislation, and I appreciate your acknowledgment of that jurisdictional interest. Because I understand the desire to have this legislation considered expeditiously by the House and because the Committee does not have a substantive concern with those provisions that fall within its jurisdiction, I do not intend to hold a hearing or markup on this legislation.

In agreeing to waive consideration by our Committee, I would expect you to agree that this procedural route should not be construed to prejudice the Committee on the Judiciary's jurisdictional interest and prerogatives on this or any similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over the provisions within the Committee's jurisdiction is in no way diminished or altered, and that the Committee's right to the appointment of conferees during any conference on the bill is preserved. I would also expect your support in my request to the Speaker for the appointment of conferees from my Committee with respect to matters within the jurisdiction of my Committee should a conference with the Senate be convened on this or similar legislation.

Again, thank you for your cooperation on this important matter. I would appreciate your including our exchange of letters in your Committee's report to accompany H.R. 1484.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. Speaker, approval of this agreement will do a number of things. One, it will provide some degree of recognition, and, if you will, a small acknowledgment of the gratitude that the people of the United States have for the people of the Hashemite Kingdom of Jordan.

Jordan has played a constructive role through 2 generations of leadership in the Middle East. Their steadfast advocacy for peace and cooperation in fighting terrorism not only needs to be recognized in symbolic ways, but I believe with this particular trade pact it will be recognized in a very realistic way as well.

Although Jordan is a small market, Jordan is a trusted friend and ally; and, as importantly, it is strongly committed to liberalizing its economy. Once this agreement is ratified, more than 50 percent of the tariffs between our two countries will be eliminated overnight, and then gradually the more difficult areas will be worked down to zero, so that at the end of the 10 years, it truly will be a free trade relationship.

In addition to that, the quality of particular areas of this agreement are unsurpassed. The intellectual property rights provisions contain the highest levels of copyright protection ever included in a trade agreement. In addition, Jordan will be the first of our trading partners to bind itself to no customs duties on electronic commerce. Clearly this agreement will open Jordan's markets to U.S. services and U.S. markets to Jordan's products, whereby they can earn their way by trade.

Mr. Speaker, the reason that we are now in front of the House is that, notwithstanding those excellent portions of the agreement that I indicated, there was an attempt in this particular agreement in dealing with our friend and ally to dictate the way in which sanctions would be dealt with; that is, to expand beyond historical parameters, that for the first time, this agreement includes treating labor and the environment equally with trade. That in itself is not necessarily not a good thing to do, but what it did do was lock in the old-fashioned trade sanctions, while expanding it to new areas. That, to the present administration, to this majority, is an unacceptable structure.

Not wanting to go back and require a revision of the agreement, what we were able to do was to exchange between the Hashemite Government of Jordan and the United States Government an exchange of letters in which, notwithstanding the Clinton Administration's attempt to use this particular agreement to further its own agenda, neither the Government of the United States nor the Government of Jordan intend to exercise trade sanctions in the areas in the agreement, especially in terms of formal dispute resolution. Rather, they have committed themselves to a cooperative structure in the exchange of these two letters, especially looking for alternate mechanisms that will help to secure compliance without recourse to, as I said, those traditional trade sanctions that are the letter of the agreement.

Mr. Speaker, I include for the RECORD the exchange of letters between the Hashemite Government of Jordan and the United States Government.

U.S. TRADE REPRESENTATIVE,
Washington, DC, July 23, 2001.

His Excellency MARWAN MUASHER,
Ambassador of the Hashemite Kingdom of Jordan to the United States.

DEAR MR. AMBASSADOR: I wish to share my Government's view on implementation of the dispute settlement provisions included in the Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area, signed on October 24, 2000.

Given the close working relationship between our two Governments, the volume of trade between our two countries, and the clear rules of the Agreement, I would expect few if any differences to arise between our two Governments over the interpretation or application of the Agreement. Should any differences arise under the Agreement, my Government will make every effort to resolve them without recourse to formal dispute settlement procedures.

In particular, my Government would not expect or intend to apply the Agreement's dispute settlement enforcement procedures to secure its rights under the Agreement in a manner that results in blocking trade. In light of the wide range of our bilateral ties and the spirit of collaboration that characterizes our relations, my Government considers that appropriate measures for resolving any differences that may arise regarding

the Agreement would be bilateral consultations and other procedures, particularly alternative mechanisms, that will help to secure compliance without recourse to traditional trade sanctions.

Sincerely,

ROBERT B. ZOELLICK,
U.S. Trade Representative.

EMBASSY OF THE HASHEMITE
KINGDOM OF JORDAN,
Washington, DC, July 23, 2001.

Hon. ROBERT B. ZOELLICK,
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Sincerely,

MARWAN MUASHER,
Ambassador.

Mr. Speaker, with these letters, it means that, notwithstanding the narrow, specific wording of the document, the attempt to drive a particular political agenda with this agreement, in which all are in favor of increasing trade to the point of free and open trade between the United States and Jordan, this agreement becomes acceptable, especially when this is the first instance in which the 21st century needs to be addressed with clearly a better way to deal with perceived violations and actual violations of agreements.

Alternate mechanisms beyond the old-fashioned 19th and early 20th century tools are really what is needed to develop and grow trade in this century. I am pleased to say that with the exchange of letters, notwithstanding the specifics of this agreement, we have begun to move down that direction; and we continue to work together to present to this House a Trade Promotion Authority which builds on this exchange of letters between the Government of the United States and the Hashemite Government of Jordan.

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

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

Mr. Speaker, this agreement indeed is an important one. It is important in terms of national security. Jordan is important in the quest for peace and security in the Mideast.

This agreement is important economically. A healthy Jordanian economy is important in and of itself, and for Jordan to play a constructive role in the Middle East.

This agreement is important because it addresses essential ingredients of the economic relationship between our two nations.

It is important because it recognizes that included in that economic relationship are labor and environmental standards.

This agreement is so important that it should have been presented to this House for approval many months ago. The delay was because some did not like the provisions relating to labor and the environment. That position was and is misguided.

Domestic labor markets and environmental standards are relevant to trade and competition within a nation and competition and trade between nations. That has become increasingly true as the volume of international trade has increased dramatically and as nations with very different economic structures trade and compete with one another. Recognition of that reality is simply inescapable in this era of trade. It is not a political question, it is a matter of sheer economic reality.

The Government of Jordan was willing from the start, and I emphasize that, to address that reality. Some in the United States were not. As a result, after several different notions have been suggested, there has been an exchange of letters between the two governments. They do not amend the agreement, they do not forego any of its provisions; they say what their intention and expectations are as to implementation of all the provisions in the agreement.

Both nations have strong practices on labor and environmental standards. The governments say in the letters that if either fails to meet their commitments to enforce such standards, or any other provisions of the agreement, and I emphasize that, any of the other provisions of the agreement, they do not expect or intend to use traditional trade sanctions to enforce them.

That was unnecessary and unfortunate. It is unwise to say that regardless of the violations of a trade agreement, the expectation is that any method of enforcement will not be used. Trade sanctions are always a last resort, but to set a precedent in any agreement that under no circumstances is there any expectation that they may have to be used as to any provision is a mistake, an unwise precedent.

It was unnecessary because the agreement carefully sets up a framework for all kinds of consultations and mediation over a long period of time before either party could use sanctions, and only after recurring violations affecting trade, and only with appropriate and commensurate measures.

I support our approving this agreement because of the importance of the U.S.-Jordanian relationship and because the agreement within its four corners still stands.

□ 1030

But cutting corners on the important issues of labor and environmental standards and trade agreements is a step backwards for future constructive action on trade. But today, to proceed on Jordan is important, and we should do so.

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

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

I would say to the gentleman the only unfortunate circumstance in this agreement was the unfortunate consequences of taking advantage to push a domestic agenda on trade with as important and vital a strategic partner as Jordan. We would have preferred that this domestic agenda on trade be done in a slightly different way. The letters, in fact, go a long way toward correcting that attempt, to grab the initiative on a domestic agenda on trade by using this agreement.

Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from California (Mr. DREIER), one of the leading advocates and spokesmen for trade in the House of Representatives and the chairman of the Committee on Rules.

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

I, of course, was going to begin by talking about the great importance of bringing about stability in the region and the benefits of this U.S.-Jordan Free Trade Agreement to economic growth and all, but since both the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. LEVIN) have gotten to the issue of labor and the environment and this very important exchange of letters, and I congratulate the chairman for having put that arrangement together. I think it is important to underscore why it is that there seems to be this disagreement.

We believe very passionately that the best way to deal with those important issues of labor and the environment is through economic growth. Mr. Speaker, there is a great arrogance that exists as we proceed with this debate on trade for the United States of America to try to impose on developing nations around the world, nations that are struggling to get onto the first rung of

the economic ladder, standards with which they cannot comply. They cannot comply.

I recall so well, following the very important December 1999 Seattle ministerial meeting of the World Trade Organization, the cover of the Economist Magazine the week after that meeting was very telling. It said, when they talked about the imposition of sanctions, when President Clinton talked about the imposition of sanctions on issues of labor and the environment, the cover had a picture and above that picture was the caption: ''Who Is the Real Loser at Seattle?'' The photograph, Mr. Speaker, was of a starving baby in Bangladesh.

It is so apparent that those countries which we hope to help get into the international community are being prevented because of, as the gentleman from California (Mr. THOMAS) said appropriately, the imposition of a domestic agenda on other nations. It is unfortunate that Jordan was caught in the middle on this issue; however, we do want to see environmental standards and worker rights improved in Jordan.

We believe that the economic growth that is going to follow this kind of effort is important for the stability of the region. It is very important for bringing about greater stability as it expands throughout the Middle East. I hope this is just really the second, following the U.S.-Israel Free Trade Agreement, the second in steps that will help us bring about the very, very important economic growth and stability that is needed there.

Mr. LEVIN. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I want to move on to other speakers, but I want the RECORD to be clear: I was in meetings with the Jordanian Government from the outset, at least in discussions with this body, and the King said they were willing to negotiate on labor and environmental standards. Do not talk about shoving this down somebody's throat. It is not true.

Secondly, imposition of our standards? Nonsense. When it comes to core labor standards, these are ILO standards that most nations have already agreed to.

Child labor? Forced labor? The ability of workers to associate and organize? That is imposing our standards? These are international standards. Are we imposing our standards when we insist on intellectual property or on subsidies in agriculture? The gentleman uses a different standard when it comes to one or another.

Environmental standards. The President withdrew from Kyoto because developing nations were not in the Kyoto Accord, and now someone comes to this floor and says because we want countries to enforce the environmental standards, in this case, their own, it is a domestic agenda or it is a political agenda. It is not. This relates to the terms in competition of countries, and there are some basic standards that need to be applied and to be implemented.

Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. CARDIN).

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

Mr. Speaker, I strongly support the agreement that is before us. Jordan is a friend of the United States in the Middle East. They are moving forward in opening direct trade between their country and Israel, and they are truly our ally in seeking peace in the Middle East and in fighting terrorist activities.

I also support this agreement because it is a good agreement. It is a good agreement from the point of view of the United States. We already have a Free Trade Agreement with Israel. This Free Trade Agreement will open up opportunities for American producers and manufacturers. And we have made progress, as the gentleman from Michigan (Mr. LEVIN) has pointed out, on labor and environment; that is, removing barriers to fair trade because of the standards of other countries being far below the standards here in the United States. That works to the disadvantage of U.S. manufacturers and producers. We made progress in this agreement because Jordan agreed to enforce its own laws in the trade agreement. What is wrong with that?

Now, Mr. Speaker, I must tell my colleagues, I am concerned about the letters that were exchanged between Jordan and the United States that the distinguished Chairman of the Committee on Ways and Means put in the RECORD. These letters were requested by the United States. Make no mistake about it, this was not Jordan's idea, this was the United States' idea. It was because we were concerned that we were painting new territory in allowing us to have in the core agreement labor and the environmental standards.

Mr. Speaker, if we are going to enforce labor and environmental standards, they have to be in the core agreement. We have seen that every time we have tried to put them in side agreements, it has been ineffective in enforcing the standards that we told the American public that we were fighting for. This letter puts labor and environment as a second tier issue. That is wrong. It should not be a second tier issue. Most of the other provisions in the Jordanian agreement can be enforced through WTO since they are in the multinational agreement.

Mr. Speaker, this letter, I hope, will not be precedent for the future, because we can make progress in bilateral agreements on increasing world standards for labor and environment; we can make progress so that American producers and manufacturers and farmers can effectively compete internationally by raising international standards in labor and environment. We make progress in the bilateral agreement such as with Jordan so that we can move the WTO, the multinational agreements, so that they can move forward in these areas.

Mr. Speaker, this is a good agreement. It should be supported. We made a mistake by requesting the exchange of letters.

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

Mr. Speaker, I can understand the perplexity of my friends on the other side over the letters in which they say the letters were not Jordan's idea. Well, let us return to the negotiation between the Clinton administration and the Jordanians.

I cannot believe it was the Jordanians' idea to lay on the table old-fashioned sanctions in which products are used to retaliate against violations extended to labor and the environment. I have a hunch it was the Clinton administration that laid these on the table. And, of course, my friend from Michigan then says, they did not object to them. Of course they are not going to object to them. They are going to say, yes, to whatever is laid on the table.

So I do not think the argument about basic standards being implemented is the issue. It was the fact that the Jordanians were required to agree to a sanctions structure that was imposed upon them by the Clinton administration. The letters were not Jordan's idea, but the basic document was not Jordan's idea either.

What we have is an ability to reach agreement and move forward. Frankly, we would not be here today without the letters. So I think the letters were a very good thing.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

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

Mr. Speaker, our relationship with Jordan is a strategic one, and that alone is reason enough for this trade agreement to be desirable. But H.R. 2603 is also a model for how we can pursue a balanced trade relationship with a developing country whose legal system and workplace environment is radically different from our own.

This trade agreement with Jordan represents the first free trade agreement with an Arab Nation and will give us closer trade ties to the Arab world. Trading with Jordan will be mutually beneficial and strengthen them as our ally.

But Jordan also represents a country that plays a critical role in the Middle East peace process. Beyond that, this

agreement negotiated by the last administration provides us with a sensible and balanced approach to addressing blue and green issues in trade agreements, discouraging a race to the bottom by countries seeking to attract investment and lure jobs.

This agreement will benefit not only Jordanians, but American workers by creating an export market for high value-added U.S. products in a nation that cannot make these products for themselves. The bill phases out all tariffs during a 10-year period and establishes the first-ever bilateral commitment regarding e-commerce. It also addresses intellectual property rights and the protections for copyrights, trademarks and patents, as well as makes a specific commitment to opening markets in the services sector.

But as a truly inclusive trade agreement, H.R. 2603 addresses various labor and environmental concerns. This agreement does not seek to place further labor and environmental regulations on Jordan, but rather, requires that they enforce the law that they already have on their books. Jordan cannot relax environmental standards to attract trade, and they have agreed to fully enforce national labor laws. This agreement provides us with a model, perhaps not the only one, but a very promising one, for engaging in fair trade with a developing country, and I urge my colleagues to support it.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I certainly support this agreement, as I did in committee, but the handling of this bill really represents another foreign policy failure for the Bush Administration.

During the last week alone, this Administration has stood alone and isolated from 178 other countries on how to resolve climate change and global warming. It has stood alone and isolated from seven years of negotiations about how to make an international agreement on germ warfare more effective. And it reasserted its intention to unilaterally reject the Antiballistic Missile Treaty that has contributed to three decades of peace.

Little wonder that this week's conservative Economist magazine raises the question: ''Stop the World, I Want to Get Off: Has George Bush Ever Met a Treaty that He Liked?'' Well, it is not this one, because today the Republicans here on the House floor display their real paranoia about any attempt to protect workers and the environment from the potential adverse consequences of international trade.

Mr. Speaker, this is an outmoded trade policy that the Bush Administration is advancing at the very time that a number of our trading partners are recognizing that environmental issues need to be addressed as we look at the question of international trade. It is a policy that is consistent only with the Bush Administration's anti-environmental attitudes and policies here in the United States.

□ 1045

Trade is certainly vital to our country, but if more international commerce with a particular country leads to the reliance on more child labor or the destruction of rain forests or endangered species, those are important considerations to be avoided through negotiation.

This agreement with the small, but important, country of Jordan fortunately did not involve any of those particular concerns; but the Clinton Administration, wisely working with the country of Jordan, provided that if there were repeated violations of a country's own laws, not our laws in Jordan but Jordan's laws in Jordan to protect workers and the environment, then that could be the subject of trade sanctions.

That scares the Republicans to death, the very thought that on an international level we might give consideration to the way trade impacts workers, child laborers, the environment, endangered species, rain forests, or other sensitive environmental areas.

They are opposed to even the most modest safeguards like those contained in this agreement, so they have not fast-tracked this agreement; rather, they have slow-tracked it. They have slow-tracked it for the last six or seven months, refusing to present this trade agreement to the Congress to act upon.

Today they rush it to the floor with minimum debate because they do not want any attention on the contradictions in their own trade policy. That is a trade policy of slow-tracking that tells us a great deal about this so-called fast track proposal.

I support more trade, but not by granting President Bush a blank check, open-ended trade authority to do anything he wants. It is clear from his rejection of these modest safeguards that he will not do right by workers and the environment unless we put strict conditions on any trade negotiating authority that Congress decides to delegate to him.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

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

I rise in very strong support of this agreement, Mr. Speaker, and I urge my colleagues on both sides to support passage.

The U.S.-Jordan Free Trade Agreement will provide economic benefits to both countries. That is what we are really here about. This agreement will eliminate tariffs on virtually all trade between the two countries within 10 years. Passage of this agreement offers the prospect of rapid growth in the U.S.-Jordan trade relationship.

In addition to economic benefits, this agreement will help to strengthen our association with a key ally in the Middle East. Jordan is a trusted friend and ally of the U.S. and is strongly committed to liberalizing its economy. The agreement provides important support to Jordan's commitment.

In addition, the U.S.-Jordan FTA builds on other U.S. initiatives in the region designed to encourage economic development and regional integration. This includes, of course, the 1985 U.S.-Israel Free Trade Agreement and its extension to areas administered by the Palestinian Authority in 1996.

Again, Mr. Speaker, I urge my colleagues to vote yes on this agreement.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from Michigan, for yielding time to me.

Let me preface my statement by saying that I support the Jordan-U.S. trade agreement and plan to vote for it. That said, this agreement illustrates why this Congress must not relinquish our right to amend future trade agreements and why we must vote down Fast Track.

When we look closely at this, we see the fingerprints of the brand-name drug industry all over it. This agreement provides protections for the drug industry more stringent than those established by the World Trade Organization.

Look at the fine print of section 20 of Article 4 on intellectual property. Not only does this agreement impose barriers to generic access in Jordan that are greater than those in place here, it prevents the United States from using a WTO sanction mechanism, compulsory licensing, to bring down grossly inflated drug prices.

The Jordan trade pact blocks the U.S. from ever enacting compulsory licensing law, now or in the future, to combat excessive drug prices.

While Congress waited for the trade agreement to be negotiated, our drug industry convinced the U.S. Trade Representative to tie our hands and to tie Jordan's hands. It is outrageous that the drug industry can have this kind of influence, particularly when their pricing practices are robbing Americans blind. But that is what happens when Congress has too little oversight in trade agreements.

If Fast Track passes, what will the future hold once the drug industry and other special interests know that Congress cannot amend the trade agreement? How many poison pills will we have to swallow or will the American public have to swallow?

It is provisions like these, slipped into trade agreements, which are the

reason why Fast Track is such a threat to the best interests of our constituents. While trade agreements go to great lengths to protect investors and protect property rights, these agreements rarely include enforceable provisions to protect workers in the U.S. or abroad. Like the Jordan agreement, corporations will slip provisions into the text that will abuse the most vulnerable of society.

Three years ago, Fast Track was defeated in Congress, 243 to 180. Vote for the Jordan trade agreement but defeat Fast Track, which allows bad provisions in good trade agreements.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in yielding time to me to speak on this issue.

Mr. Speaker, I have a slightly different perspective than my friend, the gentleman from Ohio. I happen to believe very strongly that trade promotion authority is important and that our future, not just from our region but for our country and for developing nations around the world, lies in fairer, freer trade.

I supported the trade promotion authority for the last administration. I hope to be able to support it for this administration.

But I would look at this agreement today as a model for an approach that we can have trade promotion authority, which I think is important, but do it in a way that brings us together, where we can have 300 or 400 people on this floor, as the gentleman from Michigan is looking for ways to be able to express these concerns about environment, about worker standards.

This agreement that we have before us can be a template in a way that does not divide us but actually strengthens free trade. It brings it in a way that does not have to have a partisan edge to it, and actually encourages countries to be able to develop their own labor and environmental standards.

We have a number of companies around the world that are doing pioneering work in their own work to be able to advance higher standards for the environment and the workplace; international corporations that are showing the way in terms of how to treat their employees in patterns of compensation and worker safety.

I would strongly urge that we approve this agreement before us, and that we look at this as a template for how we ought to put together trade promotion authority.

I commend the gentleman from Michigan for the work that he is doing on our side of the aisle to have a broader conversation. He, I think, has shown through his work on China that there are ways to bring us together. I encourage this Chamber to look at this agreement as a way that we can do this in a way that we will not lose the opportunity to develop the consensus. I thank the gentleman for his efforts.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Arizona (Mr. KOLBE), who through his time and talent has assisted for a long time. I look forward to working with him as we move trade promotion authority.

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

Mr. Speaker, I rise today in strong support of the U.S.-Jordan Free Trade Agreement. I want to begin by thanking President Clinton, acknowledging his role in negotiating this agreement. I want to praise President Bush for bringing this agreement forward in a determined fashion.

I really want to commend the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), and the gentleman from the subcommittee, the gentleman from Illinois (Mr. CRANE), and the ranking member, the gentleman from Michigan (Mr. LEVIN), for their bipartisan support in bringing this agreement forward.

Mr. Speaker, this agreement is critical to the foreign policy of the United States. It is of enormous political significance to us. Jordan is a vital ally of ours in the Middle East. It has been in the past; and it continues to be a leader in this peace process, this Middle East peace process.

Let there be no doubt, we have relied heavily on Jordan to play a constructive role in building peace in the region, and certainly the least we can do today is extend our hand in free trade.

This role that Jordan has played is a very difficult one. It is located geographically between Iraq and Syria and the west bank of the Jordan. Over half of its population is of Palestinian descent. In short, it is in the heart of a region that is plagued by centuries of conflict. It lies on the edge of a potential conflict all along all of its borders.

Despite this, it has had strong political leadership over the years that has taken repeatedly difficult steps towards peace, started by former King Hussein with a peace agreement between Jordan and Israel in 1994, and that continues today under the leadership of his son, King Abdullah II.

We must implement this free trade agreement, not because of the economic benefits the U.S. may receive, although there are some. We must implement this agreement because it will help Jordan develop economically and become more prosperous. With the prosperity and the prospect for economic stability, we can help it continue to lead by example in a region where greater, stronger leadership is so desperately needed.

Just a couple of months ago, I led a delegation of members of the Committee on Appropriations to Israel, Egypt, and to Jordan. In all of those countries, we appreciated the importance of trade as a driver of regional economic growth.

Mr. Speaker, this is an important agreement. I urge my colleagues to support it.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), our distinguished whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me, and I thank him and others who worked on this agreement.

Mr. Speaker, the agreement we face today is a good agreement. It furthers our relationship with our friends and allies; and it increases the prospect, as we have heard, for economic and political stability in the Middle East. It contains modest yet meaningful standards for worker rights and the environment. For the first time, Mr. Speaker, these values are considered as terms of the agreement, just as tariffs, just as intellectual property traditionally have been.

But what I am concerned about is the interjection of these side letters. The administration, I think, is undermining a good deal with these side letters. The side letter effectively removes the possibility of enforcing labor and environmental violations by tough enforcement mechanisms of sanctions. The side letter places a higher value on commercial provisions which are still enforceable by sanctions through the WTO.

Overall, the side letters suggest that we value our goods over our workers. It has been the nexus, the heart of the problem we have had on the trade issue. This was a solid agreement negotiated in good faith by two strategic friends and partners. It deserves to be implemented as such.

This agreement was once a good step forward, including worker rights and environmental standards in a trade agreement. Now, with the side letter, it becomes yet another reflection of the trade policies of the past that deny the realities of today.

We must remember the administration's actions to gut these modest worker rights and environmental provisions when we look to future agreements in this Congress, especially Fast Track. Fast Track requires us to put all our faith in Presidential authority. The action on the Jordan agreement should warn us against that. This administration gives with one hand while trying to take away with the other.

Mr. Speaker, I will vote for this trade agreement because I believe in the deal that was negotiated, and that is on the floor today. It is a step forward. But I am deeply disappointed with the administration's attempt to undermine the deal and to turn the clock back.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Virginia (Mr. CANTOR).

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

Mr. Speaker, I rise today in support of H.R. 2603, which, in a comprehensive fashion, eliminates barriers to bilateral trade in goods and services between the United States and the Hashemite Kingdom of Jordan.

I would posit that this agreement does bring us together by providing a positive structure for dealing with trade violations, rather than controversial and potentially ineffective sanctions.

Economic prosperity, stability, and religious tolerance form the foundation of our foreign policy in the Middle East. In a region where daily violence has almost become a fact of life, the establishment of economic cooperation is a vitally important aspect of creating an environment where the nations of the Middle East can exist in peace and with prosperity.

This agreement will enable the United States to have a productive economic exchange with a valuable trading partner that has been a stabilizing factor in that region. The spirit of bilateral economic cooperation between these two countries will be beneficial to both our nations, and sends a signal to the world that nations that share our values and desire for peace will prosper.

Jordan has been a steadfast partner for promoting peace and fighting terrorism, and I welcome this agreement.

□ 1100

I commend the gentleman from California (Mr. THOMAS) for his leadership on the issue and again urge my colleagues to support this important legislation.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend, my very distinguished colleague from Michigan, Mr. LEVIN, for yielding me this time.

I strongly support this resolution that approves the U.S.-Jordan Free Trade Agreement. The United States rarely gets a chance to score a clear victory that will promote economic growth, regional stability, reward a trusted ally, and affirm our most basic democratic values. We have such an opportunity right now with this agreement. Even though Jordan is only our 100th largest trading partner, the Jordan Free Trade Agreement is crucial to our national interest.

First, this agreement holds the potential of jump-starting a process of trade liberalization that has slowed down considerably since 1995. Under this agreement, duties on almost all goods would be phased out over a 10-year period. Jordan commits itself to opening its markets fully to U.S. manufacturers, farmers, and service providers. The Jordan FTA is the first such agreement ever to address issues related to electronic commerce and the Internet, with Jordan promising to ratify international agreements ensuring the protection of software and audio recordings on the Internet. Also under this agreement both sides pledge much greater openness in the resolution of disputes.

More significant than this contribution to open trade is what the Jordan FTA should mean for our continuing pursuit of peace and stability in the Middle East. Since coming to power after the death of his legendary father, King Hussein, 2 years ago, King Abdullah has launched a series of progressive reforms intended to modernize Jordan's economy. The nation has joined the World Trade Organization, deregulated some of its service industries, and strengthened its intellectual property laws. It has also stood with the United States politically, helping to enforce our trade embargo against Iraq, and serving as a voice of moderation among the Arab states.

By entering into this agreement, we are promoting regional economic growth, and sending a strong and positive signal of support to a crucial ally. If we were to delay this trade agreement that the previous Clinton administration worked out so constructively, it would send the opposite and wrong signal. This trade agreement marks a new approach to addressing labor and environmental provisions that I think is reasonable and realistic.

Approval of this agreement should give us some momentum now to move forward on our larger bipartisan trade agenda, most notably trade promotion authority. Global agreements can be values driven as well as profits driven, and that is why I urge my colleagues to approve this agreement and reaffirm our commitment to this vital ally in the Middle East.

Mr. LEVIN. Mr. Speaker, I yield the balance of my time, a long 30 seconds, to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, so much to say.

Mr. Speaker, I am here to vote for the Jordan treaty, but the world will little note nor long remember what we do here today. But what was important about today was the President of the United States showed his hand. He is not trustworthy. He will take an agreement, and when it is being out here on the floor he will then write a letter and undo it.

Now, let us give them trade promotion authority, shall we? He will go and negotiate, he will bring a treaty in here, we will vote for it, and as we vote ''aye'' or ''no,'' he will be putting in the mailbox at the White House a letter to somebody saying, ''I didn't mean it, guys. This does not really count. You know we didn't really mean what's in this.''

Watch and remember what happened with those letters on this issue. Vote for this but do not forget.

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

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 2 minutes remaining.

Mr. THOMAS. Well, gee, Mr. Speaker, I guess I am a little bit confused. Apparently the gentleman from Washington thinks that President Bush negotiated this agreement. Perhaps I should shock him into reality and indicate that the proper response on this floor should have been shame on you. Shame on your administration in trying to push your domestic trade agenda by making an offer to Jordan you knew they could not refuse. What kind of diplomatic relationship is that?

The mistake of using Jordan as a pawn has partially been corrected by the exchange of letters. And so when my colleague stands up here and says piously, gee, we are trying to reverse an agreement in which we just want some standards for labor and the environment, I would note, as I said at the very beginning, there is nothing wrong with that. We need to move in that direction. Get over it. The previous administration tried to sneak an agreement through, and it was not done. Now, let us sit down and work together and talk about not using antiquated sanctions in resolving these new issues.

The bottom line is this, Mr. Speaker. This agreement is on the suspension calendar. We all agree that our friend and ally is long overdue this recognition. Let us vote ''yes'' on H.R. 2603.

Mr. GILMAN. Mr. Speaker, the U.S.-Jordan Free Trade Agreement with the United States is good for Jordan, good for the United States and good for peace in the Middle East. By eliminating trade barriers between both our countries, it will increase trade. In doing so, it will strengthen one of the most constructive regimes in the Middle East regarding the Peace Process.

Under King Abdullah's leadership, Jordan has already made significant strides in modernizing its economy and in opening its markets to the outside world. For example, Jordan has embarked on a major privatization program that includes its telecommunications sector, and has improved its record on intellectual property rights.

This agreement will accelerate that process by guaranteeing:

The elimination of all tariffs on industrial goods and farm products within 10 years;

Free trade in services, giving American service providers full access to services of key importance;

Modern intellectual property rights commitments, which will provide prospects for technology-based industries, copyright-based industries, and pharmaceutical companies;

A joint commitment to promote a liberalized trade environment for e-commerce that should encourage investment in new technologies, and avoid imposing customs duties on electronic transmissions.

Just as Jordan has been a model for constructive participation in the Peace Process, the U.S.-Jordan Free Trade Agreement can help to make it an economic model for the rest of the Arab world.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to support H.R. 2603, the United States-Jordan Free Trade Implementation Act.

Jordan is a small Arab country with abundant natural resources such as oil. The Persian Gulf crisis aggravated Jordan's already serious economic problems, forcing the government to put a hiatus on the International monetary Fund program, stop most debt payments, and suspend rescheduling negotiations. However, the economy rebounded in 1992, thanks to the influx of capital repatriated by workers returning from the Gulf.

After averaging 9 percent in 1992–95, GDP growth averaged only 2 percent during 1996–99. In an attempt to spur growth, King Abdallah of Jordan has undertaken some economic reform measures, including partial privatization of some state-owned enterprises. These actions culminated with Jordan's entry in January 2000 into the World Trade Organization (WTO).

I have personally met with King Abdallah on several occasions. I was pleased to host the King and Queen in 1999, when they visited Northern Virginia to discuss possible investment opportunities in Jordan with regional high technology and telecommunications companies. The King and representatives from his government showed a keen interest in exploring trade opportunities with our technology sector. The attendees, which included CEOs and Presidents of national high-tech organizations and companies, were overwhelmingly impressed with the King's knowledge of the industry and his openness towards working with them.

Mr. Speaker, I believe passage of H.R. 2306 will have significant and positive economic and political impacts for both Jordan and the United States. The U.S.-Jordan Free Trade Agreement (FTA) will increase levels of trade in services for both nations, boost the Jordanian economy, contribute to easing unemployment, attract foreign direct investments from both U.S. and other foreign-based companies, and reinforce momentum for additional economic reform in Jordan. In the year 2000, total bilateral trade between the U.S. and Jordan was approximately $385 million, with U.S. exports to Jordan accounting for about 80 percent or $310 million of this total. In the same year, U.S. imports from Jordan totaled $73 million and accounted for approximately 20 percent of total bilateral trade.

The FTA builds on other U.S. initiatives in the region that are designed to encourage economic development and regional integration, including: the 1996 extension of the U.S.-Israel Free Trade Agreement to areas administered by the Palestinian Authority; and the 1996 creation of Qualified Industrial Zones (QIZ), which are areas under joint Israeli and Jordanian control whose exports are eligible for duty-free treatment in the United States.

Once passed by the Congress and the Jordanian Parliament, the U.S.-Jordan FTA will be the first U.S. free trade agreement with an independent Arab country, and Jordan will be the fourth country in the world to have a bilateral free trade agreement with America-all of which reflects the close bond between the two nations, and reaffirms our commitment to this burgeoning relationship.

Mr. CROWLEY. Mr. Speaker, I rise as a cosponsor of H.R. 2603, the United States-Jordan Free-Trade Agreement.

This legislation, as approved, would implement H.Doc. 107–15 as it was submitted to Congress on January 6, 2001 by former President Clinton, and would make the trade agreement we negotiated with the Hashemite Kingdom of Jordan operational.

Jordan is a moderate Arab nation and an ally of both the United States and Israel. The free trade agreement negotiated by the Clinton administration will help to solidify trade and commerce between the United States and Jordan.

As you know Mr. Speaker, free trade is vital to political stability and economic development not only in the Middle East but also around the world. With free trade nations are not only able to exchange goods but also ideas. It is the ideas of freedom and democracy that is the greatest export the United States can offer to the rest of the world.

Under the agreement negotiated by the United States and Jordan, both nations have committed themselves to removing almost all duties on trade in ten years. The two countries have also committed themselves to safeguarding intellectual property and copyrights.

Most importantly the agreement includes provisions to protect worker rights and the environment.

The Middle East is an emerging region and the United States should do all it can to help the nations of the Middle East develop their economic potential. Jordan has played an integral role in leading the region to a freer and a more secure future.

King Abdullah has made important commitments to implement necessary economic and political reforms. Jordan has also been an important partner in the Middle East peace process, and a leading voice among moderate Arab nations for normalizing relations with the State of Israel.

By supporting free trade with Jordan the United States Congress will be recognizing Jordan's role as a peace partner in the Middle East.

Free trade will give American companies more access not only to the Jordanian market but also to markets in Israel and Egypt. While at the same time providing for greater economic development in the region.

Currently, New York State conducts $23 million worth of trade with Jordan. In the next ten years this volume is expected to increase as Jordan's economy continues to grow. This will create more jobs for my constituents and more prosperity for the people of Jordan.

Mr. Speaker, it is important for the United States to continue playing its historic role in the Middle East as a voice for peace and democracy. Free trade with Jordan recognizes both Jordan's role as a peace partner in the Middle East and it reasserts America's commitment to peace and stability in the Middle East. I would also like to point out the United States-Jordan Free Trade Agreement is supported by Israel, evidence of Israel's continued commitment to peace and stability in the region.

At this hour of crises in the Middle East it is important for the United States Congress to stand with the people of Israel and Jordan by supporting free trade and democracy in the region.

Mr. BENTSEN. Mr. Speaker, I rise in support of this legislation, which provides for implementation of a free trade agreement between the United States and Jordan, eliminating duties and commercial barriers to bilateral trade in goods and services.

The U.S.-Jordan Free Trade Agreement was negotiated during the Clinton Administration, although it was completed too late to secure Congressional action last year. If enacted, Jordan would become only the fourth country, after Canada, Mexico and Israel, with which the United States has a free-trade arrangement. I support implementation of the Jordan FTA because I believe it will help advance the long-term U.S. objective of fostering greater Middle East regional economic integration, while providing greater market access for U.S. goods, services, and investment.

The Jordan FTA not only sends a strong message to Jordanians and its neighbors about the economic benefits of peace, but significantly contributes to stability throughout the region. This Agreement is the culmination of our economic partnership with Jordan, which has also included U.S.-Jordanian cooperation on Jordan's accession to the World Trade Organization (WTO), our joint Trade and Investment Framework Agreement, and our Bilateral Investment Treaty. This Agreement also represents a vote of confidence in Jordan's economic reform program, which should serve as a source of growth and opportunity for Jordanians in the coming years.

I am pleased that the Jordan FTA includes the highest possible commitments from Jordan on behalf of U.S. business on key issues, providing significant liberalization across a wide spectrum of trade issues. The FTA builds on economic reforms Jordan has made by requiring it to eliminate tariffs on agriculture goods and industrial products within a decade, strengthen intellectual property protections and liberalize services trade.

Perhaps most importantly, the Jordan FTA contains provisions in which both our countries agree not to relax environmental or labor standards in order to enhance competitiveness. For the first time, these provisions are in the main body of the agreement. It is important to note that the FTA does not require either country to adopt any new laws in these areas, but rather includes commitments that each country enforce its own labor and environmental laws. While I understand that the Bush administration has exchanged letters with Jordan pledging neither country would use sanctions to enforce that part of the pact, I believe the approach taken under this bill is the right approach—it allows this body to move forward on an agreement of strategic importance that emphasizes the importance of labor and environmental standards to existing and future U.S. trade policy. In light of the agreement on this issue, it would serve this body well to work toward a similar compromise that can garner broad bipartisan support for Trade Promotion Authority, which the House may consider as soon as this week.

I am pleased that the House moved the Jordan FTA largely as negotiated. However, with

less than $400 million in two-way trade between the U.S. and Jordan—about the same volume of trade the U.S. conducts with China in a single day—the real impact of congressional approval of this agreement is to show our support for a key U.S. ally in a troubled region of the world. Given the relatively small volume of trade with Jordan, the strategic significance of the U.S.-Jordanian relationship, and the importance Jordanians place on this free trade agreement, it is highly unlikely that any Administration, Democrat or Republican, present or future, will be forced to impose trade sanctions on Jordan. However, since this agreement includes language that neither mandates or precludes any means of enforcement, it signifies a critical shift in U.S. priorities; one that reflects growing concerns over the effect of globalization on U.S. jobs and economic opportunity.

Mr. Speaker, passage of the Jordan FTA is more significant than the trade benefits included in this legislation. Passage of this implementing bill sends an important signal of support to our allies and our trading partners that the U.S. intends to be an important player in promoting trade policies that open markets to U.S. exports and create U.S. jobs, while addressing concerns related to the effects of increased globalization on our economy. We may never reach consensus on the issue of the most appropriate means of enforcing labor and environmental violations, but I think that all Members can agree on the importance of expanding exports and creating good paying jobs for Americans, while providing adequate safeguards to preserve our economic interests. With passage of the Jordan FTA, I believe we are taking an important first step in achieving these goals, and I urge my colleagues to approve this bill.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 2603, which implements the United States-Jordan Free Trade Area Agreement. This Member would like to thank the distinguished gentleman from California (Mr. THOMAS), the Chairman of the House Ways and Means Committee, for introducing this legislation and for his efforts in bringing this measure to the House Floor.

The U.S.-Jordan Free Trade Agreement, which was signed by President Clinton on October 24, 2000, will eliminate commercial barriers and duties to bilateral trade in goods and services originating in Jordan and the United states. The agreement will eliminate virtually all tariffs on trade between Jordan and the U.S. within ten years.

The U.S.-Jordan Agreement is part of the broader U.S. effort to encourage free trade in the Middle East. For example, in 1985, the U.S.-Israel Free Trade Agreement was signed and it was extended to areas administered by the Palestinian Authority in 1996. In addition, the U.S. has also signed Trade and Investment Framework Agreements with Egypt in 1999 and Turkey in 2000. It should also be noted Jordan joined the World Trade Organization in April of 2000.

This Member would like to focus on the following three aspects of the U.S.-Jordan Free Trade Agreement: the agriculture sector, the services sector, and the environmental and labor provisions.

First, with regard to agriculture, the top U.S. exports to Jordan include wheat and corn. In 1999, the U.S. exported $26 million of wheat and $10 million of corn to Jordan. With low prices and higher supplies of agricultural commodities, this free trade agreement is a step in the right direction.

Second, the U.S.-Jordan Free Trade Agreement opens the Jordanian service markets to U.S. companies, which includes engineering, architecture, financial services, and courier services to name just a few. Some U.S. companies should directly benefit from this opening of the service markets in Jordan. Services trade is becoming a bigger part of the overall trade picture. In fact, worldwide services trade totaled $309 billion in 1998, which resulted in an $84 billion positive balance for the U.S. in services for 1998. This positive trade balance for services is in stark contrast to the U.S. merchandise trade deficit.

As the Chairman of the House Financial Services Subcommittee on International Monetary Policy and Trade, this Member has focused on the importance of financial services trade. My Subcommittee conducted a hearing in June 2001 on financial services trade with insurance, securities, and banking witnesses testifying. At this hearing, the Subcommittee learned that U.S. trade in financial services equaled $20.5 billion. This is a 26.7 percent increase from the U.S.'s 1999 financial services trade data. Unlike the current overall U.S. trade deficit, the U.S. financial services trade had a positive balance of $8.8 billion in 2000.

Third, the U.S.-Jordan Free Trade Agreement also includes labor and environment provisions. This is the first time that these types of provisions have been included in the main text of a U.S. free trade agreement. This Member would like to note that these labor and environment provisions focus on Jordan and the U.S. enforcing its own labor and environmental laws. This agreement does not impose any labor and environment standards on Jordan or the U.S.

Mr. Speaker, in conclusion, this Member urges his colleagues to support H.R. 2603, the implementation of the U.S.-Jordan Free Trade Agreement.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 2603, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 2603.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 213 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 213

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(c) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my colleague and good friend, the gentleman from Ohio (Mr. HALL); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 213 is a structured rule which provides for 1 hour of general debate equally divided between the gentleman from North Carolina (Mr. TAYLOR), chairman of the subcommittee, and the ranking member, the gentleman from Virginia (Mr. MORAN), for the consideration of H.R. 2647, the fiscal year 2002 Legislative Branch Appropriations bill.

After general debate, the rule makes in order only the amendments printed

in the Committee on Rules report; an amendment offered by the gentleman from New Jersey (Mr. ROTHMAN) and an amendment offered by the gentleman from the great State of Ohio (Mr. TRAFICANT).

The rule waives points of order against consideration of the bill for failure to comply with clause 4(c) of rule XIII requiring a 3-day availability of printed hearings on general appropriations bills, as well as clause 2 of rule XXI prohibiting unauthorized or legislative provisions. The rule also waives all points of order against the amendments printed in the report.

Finally, the rule permits the minority to offer a motion to recommit, with or without instructions.

Mr. Speaker, to quote the great Yogi Berra, ''It's like deja vu all over again,'' as the Legislative Branch Appropriations bill provides yet another example of a carefully crafted bill from the Committee on Appropriations that balances fiscal discipline with the true needs of the first branch of our government, the legislative branch. This legislation represents a responsible increase in overall spending of 4.5 percent.

I would like to commend the chairman and the ranking member, and all the members of the subcommittee, for their hard work on what is truly a noncontroversial bill.

Mr. Speaker, it has been said that our Nation's capitol building and its campus serves three distinct and important purposes. First, it is a working office building. The central meeting place of our Federal legislature.

Second, it is a museum that preserves our Nation's history and marks its many legislative battles and victories.

And, finally, this capitol is a living monument to democracy, which sits upon the great pedestal of Capitol Hill, clear for all to see.

Mr. Speaker, the Legislative Branch Appropriations bill safeguards these important roles by ensuring funding needs of this institution are met. Specifically, the bill funds congressional operations for the House of Representatives, including our staffs and employees. It addresses the needs of the U.S. Capitol Police, and continues to support their efforts to modernize as they perform essential security functions for the protection of not just Members of Congress and our staffs but also the millions of visitors who come to the seat of our government every year.

The bill includes funding to hire an additional 79 new police officers and provides a 4.6 percent cost of living adjustment and a salary increase for comparability pay.

This bill provides for the needs of the Architect of the Capitol as well, including its various operations and maintenance activities under its jurisdiction for the capitol, House office buildings, and the surrounding grounds.

In addition, this bill funds the needs of the invaluable but often behind-the-scenes work performed by the Congressional Budget Office, the Government Printing Office, the General Accounting Office, the Library of Congress, and the Congressional Research Service, including all the employees who collectively help us and our staff make sense of the many complex issues that we face each and every day.

Mr. Speaker, this bill also includes a number of steps to help meet the needs of an ever-changing and dynamic workforce, as well as help this institution keep pace as an employer. It includes a monthly transit benefit to encourage alternative means of transportation, and modest infrastructure changes to make cycling to work more appealing. Not only will these transit benefits reduce demand on the already limited parking and help reduce traffic congestion, but it will also make a humble reduction in air pollution.

The bill recognizes our need to become more environmentally friendly and efficient in reusing and recycling our waste by directing a review of the current recycling program, identifying ways to improve the program, establishing criteria for measuring compliance, and setting reasonable milestones for increasing the amount of recycled material.

Finally, I would simply like to commend the Library of Congress, our Nation's library, for the integral role it plays in our shared national goal of increasing literacy. The Library of Congress provides an invaluable service to the many libraries that dot our towns and cities across the country, and it is truly a national treasure.

Mr. Speaker, this is a good bill. It deserves our support. I urge all my colleagues to support this straightforward rule as well as this noncontroversial legislation.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume; and I thank my colleague, the gentlewoman from Ohio (Ms. PRYCE), for yielding me this time.

This is a restrictive rule. It will allow for the consideration of H.R. 2647, which is a bill that funds Congress and its legislative branch agencies in fiscal year 2002. As my colleague from Ohio has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule allows only two amendments. No other amendments may be offered on the House floor.

□ 1115

Mr. Speaker, this is the spending bill that pays for the operation of Congress. Therefore, now is an opportunity to reflect on whether the taxpayers are getting their money's worth. I think that they are.

I think the men and women who make up the House and the Senate are a hard-working group. They are very, very dedicated to public service. They work long hours. I think if the American public saw how the process really works and the character of the Members of Congress, they would be impressed.

There are a number of provisions in the bill and the related committee report that are good. The bill funds the Federal mass transit benefit program for the legislative branch which reimburses staff for using public transit to commute. This is good for the environment and improving congestion on the highways.

The bill increases funding above the administration's request for the Library of Congress to purchase material for its collections. The Library of Congress is one of America's greatest cultural treasures, and the addition of funds will make it a greater resource.

I commend the gentleman from North Carolina (Mr. TAYLOR) and the ranking member, the gentleman from Virginia (Mr. MORAN), for their work on this bipartisan bill, and urge my colleagues to vote for the rule and the underlying bill.

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

Ms. PRYCE of Ohio. Mr. Speaker, we have no speakers on this issue. I would like to inquire of the gentleman from Ohio.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a noncontroversial rule. It has strong bipartisan support. It will provide the institution with the necessary resources so we can not only fulfill our constitutional responsibilities as the first branch of the government, but more importantly, address the many and varied needs of the constituents that we all so proudly serve.

Mr. Speaker, I urge my colleagues to support the rule and the underlying legislation.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to House Resolution 213 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2647.

□ 1118

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 consideration of the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to present the Legislative Branch Appropriations Act for fiscal year 2002 to the House for consideration. I would like to thank the ranking member, the gentleman from Virginia (Mr. MORAN) and all of the members of the subcommittee for their support in crafting this legislation.

Mr. Chairman, we have a noncontroversial, bipartisan bill. It provides for a 4.4 percent increase over fiscal year 2001, and it is within the subcommittee's 302(b) allocation.

The committee has done its job. It has done a good job, I believe. The bill deserves overwhelming support in the House. I do not intend to lengthen debate, but I would point out that the bill is under 1995 expenditures in real terms, and has been crafted, I think, with a great deal of care. I urge my colleagues to support the bill, and I include for the RECORD the following tables.

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 (H.R. 2647)
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuities, deceased Members	714	.....	.....	-714	.....
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,759	1,866	1,866	+107	.....
Office of the Majority Floor Leader	1,726	1,830	1,830	+104	.....
Office of the Minority Floor Leader	2,096	2,224	2,224	+128	.....
Office of the Majority Whip	1,466	1,562	1,562	+96	.....
Office of the Minority Whip	1,096	1,168	1,168	+72	.....
Speaker's Office for Legislative Floor Activities	410	431	431	+21	.....
Republican Steering Committee	765	806	806	+41	.....
Republican Conference	1,255	1,342	1,342	+87	.....
Democratic Steering and Policy Committee	1,352	1,435	1,435	+83	.....
Democratic Caucus	668	713	713	+45	.....
Nine minority employees	1,229	1,293	1,293	+64	.....
Training and Development Program:					
Majority	278	290	290	+12	.....
Minority	278	290	290	+12	.....
Cloakroom Personnel:					
Majority	.....	.....	330	+330	+330
Minority	.....	.....	330	+330	+330
Subtotal, House Leadership Offices	14,378	15,250	15,910	+1,532	+660
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail					
Expenses	430,877	479,339	479,472	+48,595	+133
Committee Employees					
Standing Committees, Special and Select (except Appropriations)	100,272	104,492	104,514	+4,242	+22
Committee on Appropriations (including studies and investigations)	22,328	23,000	23,002	+674	+2
Subtotal, Committee employees	122,600	127,492	127,516	+4,916	+24
Salaries, Officers and Employees					
Office of the Clerk	17,740	16,025	15,408	-2,332	-617
Office of the Sergeant at Arms	3,692	4,083	4,139	+447	+56
Office of the Chief Administrative Officer	72,848	67,480	67,495	-5,353	+15
Office of Inspector General	3,249	3,754	3,756	+507	+2
Office of General Counsel	806	892	894	+88	+2
Office of the Chaplain	140	144	144	+4	.....
Office of the Parliamentarian	1,201	1,344	1,344	+143	.....
Office of the Parliamentarian	(1,035)	(1,168)	(1,168)	(+133)	.....
Compilation of precedents of the House of Representatives	(166)	(176)	(176)	(+10)	.....
Office of the Law Revision Counsel of the House	2,045	2,104	2,107	+62	+3
Office of the Legislative Counsel of the House	5,085	5,454	5,456	+371	+2
Corrections Calendar Office	832	883	883	+51	.....
Other authorized employees	213	230	140	-73	-90
Technical Assistants, Office of the Attending Physician	(213)	(230)	(140)	(-73)	(-90)
Subtotal, Salaries, Officers and Employees	107,851	102,393	101,766	-6,085	-627
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	2,235	3,359	3,379	+1,144	+20
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	.....	.....
Government contributions	150,776	153,167	152,957	+2,181	-210
Miscellaneous items	393	690	690	+297	.....
Special education needs	215	.....	.....	-215	.....
Subtotal, Allowances and expenses	154,029	157,626	157,436	+3,407	-190
Total, salaries and expenses	829,735	882,100	882,100	+52,365	.....
Total, House of Representatives	830,449	882,100	882,100	+51,651	.....
JOINT ITEMS					
Joint Congresssional Committee on Inaugural Ceremonies of 2001	1,000	.....	.....	-1,000	.....
Joint Economic Committee	3,315	3,424	3,424	+109	.....
Joint Committee on Taxation	6,416	6,733	6,733	+317	.....
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	1,831	1,765	1,865	+34	+100
Capitol Police Board					
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	47,206	54,946	55,013	+7,807	+67
Sergeant at Arms and Doorkeeper of the Senate	50,346	56,976	57,579	+7,233	+603
Subtotal, salaries	97,552	111,922	112,592	+15,040	+670
Security enhancements (emergency funding)	2,102	.....	.....	-2,102	.....

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 (H.R. 2647)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
General expenses	7,243	10,394	11,081	+3,838	+687
Subtotal, Capitol Police	106,897	122,316	123,673	+16,776	+1,357
Capitol Guide Service and Special Services Office	2,371	2,512	2,512	+141	.....
Statements of Appropriations	30	30	30	.....	.....
Total, Joint items	121,860	136,780	138,237	+16,377	+1,457
OFFICE OF COMPLIANCE					
Salaries and expenses	1,851	2,059	2,059	+208	.....
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	28,430	30,680	30,780	+2,350	+100
ARCHITECT OF THE CAPITOL					
Capitol Buildings and Grounds					
General and administration, salaries and expenses	.....	.....	46,705	+46,705	+46,705
Minor construction	.....	.....	9,482	+9,482	+9,482
Capitol buildings, salaries and expenses	44,624	111,835	17,674	-26,950	-94,161
Capitol grounds	5,350	7,754	6,904	+1,554	-850
House office buildings	41,678	51,187	49,006	+7,328	-2,181
Capitol Power Plant	43,728	51,499	49,724	+5,996	-1,775
Offsetting collections	-4,400	-4,400	-4,400	.....	.....
Net subtotal, Capitol Power Plant	39,328	47,099	45,324	+5,996	-1,775
Total, Architect of the Capitol	130,980	217,875	175,095	+44,115	-42,780
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	73,430	81,139	81,454	+8,024	+315
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	81,205	90,900	81,000	-205	-9,900
Total, title I, Congressional Operations	1,268,205	1,441,533	1,390,725	+122,520	-50,808
TITLE II - OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	3,321	6,129	5,946	+2,625	-183
LIBRARY OF CONGRESS					
Salaries and expenses	382,596	297,275	304,692	-77,904	+7,417
Authority to spend receipts	-6,850	-6,850	-6,850	.....	.....
Subtotal, Salaries and expenses	375,746	290,425	297,842	-77,904	+7,417
Copyright Office, salaries and expenses	38,438	43,322	40,896	+2,458	-2,426
Authority to spend receipts	-29,270	-28,964	-27,864	+1,406	+1,100
Subtotal, Copyright Office	9,168	14,358	13,032	+3,864	-1,326
Books for the blind and physically handicapped, salaries and expenses	48,502	49,765	49,788	+1,286	+23
Furniture and furnishings	4,881	8,599	7,932	+3,051	-667
Total, Library of Congress (except CRS)	438,297	363,147	368,594	-69,703	+5,447
ARCHITECT OF THE CAPITOL					
Library Buildings and Grounds					
Structural and mechanical care	15,935	21,402	22,252	+6,317	+850
GOVERNMENT PRINTING OFFICE					
Office of Superintendent of Documents					
Salaries and expenses	27,893	29,639	29,639	+1,746	.....
Government Printing Office Revolving Fund					
GPO revolving fund	6,000	6,000	.....	-6,000	-6,000
Total, Government Printing Office	33,893	35,639	29,639	-4,254	-6,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	387,020	430,295	424,345	+37,325	-5,950
Offsetting collections	-3,000	-2,501	-2,501	+499	.....
Total, General Accounting Office	384,020	427,794	421,844	+37,824	-5,950
Total, title II, Other agencies	875,466	854,111	848,275	-27,191	-5,836
Grand total	2,143,671	2,295,644	2,239,000	+95,329	-56,644

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 (H.R. 2647)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - CONGRESSIONAL OPERATIONS					
House of Representatives	830,449	882,100	882,100	+51,651	.....
Joint Items	121,860	136,780	138,237	+16,377	+1,457
Office of Compliance	1,851	2,059	2,059	+208	.....
Congressional Budget Office	28,430	30,680	30,780	+2,350	+100
Architect of the Capitol	130,980	217,875	175,095	+44,115	-42,780
Library of Congress: Congressional Research Service	73,430	81,139	81,454	+8,024	+315
Congressional printing and binding, Government Printing Office	81,205	90,900	81,000	-205	-9,900
Total, title I, Congressional operations	1,268,205	1,441,533	1,390,725	+122,520	-50,808
TITLE II - OTHER AGENCIES					
Botanic Garden	3,321	6,129	5,946	+2,625	-183
Library of Congress (except CRS)	438,297	363,147	368,594	-69,703	+5,447
Architect of the Capitol (Library buildings & grounds)	15,935	21,402	22,252	+6,317	+850
Government Printing Office (except congressional printing and binding)	33,893	35,639	29,639	-4,254	-6,000
General Accounting Office	384,020	427,794	421,844	+37,824	-5,950
Total, title II, Other agencies	875,466	854,111	848,275	-27,191	-5,836
Grand total	2,143,671	2,295,644	2,239,000	+95,329	-56,644

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want first of all to express my appreciation for the cooperation of the gentleman from North Carolina (Mr. TAYLOR), which has enabled us to craft a good bipartisan bill which should garner the support of the full House. Paramount among our objectives has been the need to ensure that the legislative branch agencies have the resources they need to fully carry out their missions. These agencies are the vital elements of our democratic process. I believe they are properly treated by this fiscal year 2002 appropriations bill.

The bill prioritizes our capital improvement programs. It confronts, not defers, personnel issues such as an aging work force and retention challenges, and it funds several new technology projects that will allow us to perform our work more efficiently, and to make this work more readily available to the public and to preserve it for posterity.

The 302(b) allocation and prudent oversight have given us the flexibility we needed to craft a good budget and honor our legislative branch agency requests with only a 4.4 percent increase in our overall allocation. The Library of Congress, the General Accounting Office, the Government Printing Office and the Congressional Budget Office largely received what they requested. Funds are also available to hire an additional 79 police officers, bringing the force to 1,481 full-time equivalents, and provide a full increase in benefits.

We have directed the Architect of the Capitol's budget to make life and safety improvements a priority and not proceed with any new construction projects until design plans are completed.

Mr. Chairman, I want to recognize the gentleman from Maryland (Mr. HOYER), and express my appreciation for his successful effort to add report language that will end the long-standing practice of using temporary workers for long-term projects to get around providing them health and pension benefits. These temporary workers, some 300 in all, have been employed by the Architect on an average of 4.5 years.

Recognition should also be given to the gentlewoman from Ohio (Ms. KAPTUR), who was able to include language supporting a plan to include more artwork on the Capitol grounds that more fully represents women's contributions to American society. She also quite articulately expressed her concerns about the use by the Vice President of one of the House offices in the Capitol.

I want to express my appreciation for the efforts by the gentleman from Oregon (Mr. BLUMENAUER) to highlight the need to provide adequate changing facilities and showers for staff, and generating support for the transit benefits that are both addressed in this legislation.

I feel very strongly, as does the gentleman from Illinois (Mr. LAHOOD), that since we are going to lose some showers for staff, we ought to be providing more, not less. I hope one day we would even have a gymnasium facility available for staff people, as the Members of Congress have. We should also have parity between the male and female Members in terms of those facilities.

Mr. Chairman, this bill sets aside sufficient funds to enable all offices, be it a Member's, a committee's, the Congressional Budget Office or the Government Printing Office, to provide all their employees with a $65 per month employee transit benefit. We should not forget the sacrifices our staff and committee staff, employees in the GPO, the Capitol Police, the Congressional Research Service, and all of the legislative branch agencies make every day to meet deadlines, advance the interests of Members, and serve the public good. We may not be able to compensate fully what they should receive, but we can and should help where we can.

This budget enables us to at least provide employees with a $65 per month transit benefit, as the other executive agencies are able to. It will eventually go up to $100 per month. It encourages people to use public transit where able, and that helps everybody commuting in the Washington metropolitan area.

Mr. Chairman, this bill goes a long way towards addressing the needs and obligations of the legislative branch. I am pleased to support it.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), a member of this appropriations subcommittee.

Mr. HOYER. Mr. Chairman, this is a good bill. We are trying to take care of Members, their accounts, and the Capitol itself. We have included a provision for certain termporary workers of the Architect of the Capitol to ensure that they can receive the same employee benefits that other employees receive.

I thank the majority clerk of the subcommittee, Elizabeth Dawson, who has done an outstanding job together with her colleagues on the staff, including Mark Murray for the minority, as well as the gentleman from North Carolina (Mr. TAYLOR), and the gentleman from Virginia (Mr. MORAN). This is not a controversial bill, as a result of a bipartisan effort to fund at adequate levels for the legislative branch of government so we might do our job on behalf of the people of this country.

Mr. Chairman, our friends from North Carolina and Virginia have written an excellent bill that meets the test any general appropriations bill should meet. It will provide the resources that agencies need to do their jobs next year. I have already voted for it twice in the committee, and I urge all members to support it here.

This bill fully funds a number of accounts, including the Government Printing Office, the Congressional Budget Office, and the Congressional Research Service, key agencies that directly support the work of the Congress.

It fully funds the American Folklife Center in the Library, including the Veterans' Oral History Project authorized last year at the suggestion of our colleague, the gentleman from Wisconsin [Mr. KIND]. It funds the excellent new sound-recording preservation program also authorized last year.

It provides needed funds to improve services to the public in the Law Library.

To enhance security in the complex, it funds all the extra Capitol Police Officers that the department can hire and train next year, and restores pay parity with Park Police and Secret Service Uniformed Officers.

It extends GPO's early-out/buy-out authority for 3 more years.

It funds the 4.6% COLA that all Federal employees, both military and civilians, should receive next January.

It funds the same $65 transit benefit available in the Executive Branch for every legislative-branch agency. I especially want to compliment our friend from Virginia for making this a priority. I will work in House administration to authorize the increased benefit promptly for House employees.

And the bill otherwise provides ample funds for the operation of Member offices, committees, and the officers of the House.

The bill reserves for conference a final decision on the Congressional Budget Office's request for student-loan repayment authority, in order to give House administration time to develop a policy applicable to the entire legislative branch, as just wisely proposed by our friend from California (Ms. LEE).

Mr. Chairman, I could go on for a considerable time lauding this bill, but I won't. It has been a pleasure working with Chairman TAYLOR and Mr. MORAN this year.

I thank them both for their leadership and tireless efforts.

It has also been a pleasure to work with the capable new subcommittee clerk, Liz Dawson.

I urge an "aye" vote on this excellent bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), who was very active and constructive on this bill.

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time, and I appreciate the hard work that he has been involved with

throughout his career on Capitol Hill to deal with notions of improving the quality of life here in the metropolitan area.

Mr. Chairman, I am an enthusiastic supporter of provisions in this bill that can have a beneficial impact on the entire Washington region; and most important, to improve the quality of life for the thousands of men and women working here on Capitol Hill all at a very small cost.

My goal in Congress is for the Federal Government to be a better partner promoting livable communities, making families safe, healthy and more economically secure. An important part of a livable community is ensuring that people have choices about where they want to live, work and how they travel.

A recent study highlighted Washington, D.C., as the third most congested region in the United States. Rush hour can be 6 hours or more out of every day. Here on Capitol Hill, we have problems of congestion, pollution and parking shortages. There are over 6,000 parking spaces which are reserved for our employees, which are not free. The total cost is estimated at about $1,500 per year, and with the temporary closure of the Cannon Office Building garage, parking is at even more of a premium.

Mr. Chairman, 3 years ago, with the help of the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Maryland (Mr. HOYER), the gentleman from Virginia (Mr. MORAN), and then-Speaker Gingrich, we were able to change the policy of only providing free parking to House employees to be able to have a modest transit benefit. We have made some progress in being able to establish it, but unfortunately, we have been passed by by the rest of the Federal Government, by the private sector, even dare I say, by our colleagues on the other side of the Capitol in the Senate.

It is time for us to move forward not just for our congressional offices, but the Library of Congress, the Government Printing Office, the Congressional Budget Office, to enjoy the transit benefits that we are giving to the rest of the Federal employees.

Today's bill provides this important change to include the language and increase the allowable amount to $65 for legislative branch employees. This modification will provide parity for all of the remaining Federal employees in the metropolitan area. It includes other important language such as to update the bike facilities here on Capitol Hill. We have more and more of our employees who are taking advantage of that opportunity.

We have an opportunity to secure bike lockers for those Members and staff who walk to work, and to study the new potential locations to replace shower facilities that are being lost with the upcoming closing of the O'Neill Building. Currently, there are only two shower facilities on all of Capitol Hill for over 6,000 employees able to shower at work. Some of us have been providing instructions about how to find them so they are not treated as a secret.

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I applaud the Committee on Appropriations, particularly the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Virginia (Mr. MORAN), for including these simple, low-cost efforts in today's bill. They will provide benefits many times over in terms of the quality of life around the Hill for the environment, and it is a signal to our employees that we value their participation. What better way for the House to be part of the solution of saving energy, protecting air, fighting against congestion than by expanding the transit benefit and permitting our employees who run, walk or bike to work to be able to do so in a fashion that is hygienic and comfortable.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. WALSH), a member of the committee.

Mr. WALSH. Mr. Chairman, I thank the gentleman very much for yielding time. I would like to ask him to enter into a brief colloquy with me at this time.

Mr. Chairman, I would like to inquire about the status of the Botanical Gardens renovation project. It is my understanding that this project, which started in early 1999 with an estimated completion date of September of last year, is still not finished. We are now approaching the 11th month of delay and apparently it will be an additional few months before we can finally open it up again to the public. Is that correct?

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Yes, it is.

Mr. WALSH. I have followed the development and construction of this project with great interest since I was in his position when we started this project. It is my opinion that this project is just another example of poor management by the construction contractor, Clarke Construction. In fact, it appears that Clarke Construction has quite a track record of not bringing in projects on time or on budget. I am told that the General Services Administration, the agency responsible for building Government facilities, has also had problems of delays and cost overruns on projects awarded to Clarke.

I am not saying that Clarke Construction should bear all the blame, nor do I suppose is the Architect of the Capitol without fault. In fact, I believe he has too many projects on his plate. But I strongly believe that Clarke Construction as general contractor for the Botanical Gardens has not demanded the level of expertise and management skills required to successfully execute complex projects such as this one. There are quite a number of Clarke Construction sites around the D.C. area. I note these sites are quite active. The Botanical Gardens site has often been lonely or deserted.

Clarke Construction may have a disincentive to finish the project compared to private sector sites due to an inadequate penalty clause. Can I inquire of the chairman whether the subcommittee addresses the issue of penalty clauses in this bill.

Mr. TAYLOR of North Carolina. The committee is very concerned about construction contractor performance and delays in providing the required work to the Architect within the specified contract completion period. Apparently the Architect has not been including penalty clauses in construction contracts as do other Government agencies and the private sector. Based on these concerns, we have included language in section 111 prohibiting the Architect of the Capitol from entering into or administering any construction contract with a value greater than $50,000 unless the contract includes a provision requiring the payment of liquidated damages within specified amounts. I believe this will rectify the problem.

Mr. WALSH. I thank the gentleman for addressing this issue. I appreciate his continued efforts in working with the Architect to bring this project to a conclusion. I hope that future projects will be awarded to companies with better past performance records and experienced management teams. I thank the gentleman for his vigilance in getting this project completed.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

First of all I wanted to reiterate what the gentleman from Oregon (Mr. BLUMENAUER) said with regard to the transit benefit. When we offered this benefit to executive branch employees, Mr. Tim Aiken on my staff has been working on it very closely, we saw an immediate increase of more than 70,000 riders of transit in the executive branch taking advantage of this. It has continued to increase dramatically and steadily every month. This works.

Providing the $65 transit benefit to the legislative branch employees, we trust, will have the same effect of getting people out of their single-occupant vehicles into public transit. That helps all of us, both those people who drive to work as well as, of course, helping the financing of our Metro system. It also is going to help in achieving our

pollution attainment standards which are a major problem right now for the Washington metro area.

This is a good idea. It is eventually going to go up to $100. I am underscoring it because I want all of the people that work for the legislative branch to be aware that this $65 transit benefit will now be available to them. It is tax-free; there is no reason not to take advantage of it if you can possibly use public transit. And so we very much encourage people in the Legislative Branch to take advantage of this benefit.

In addition, some people are actually going to ride bicycles or some even run. I ran to work a couple of times in my younger days. I do not know how many people are going to do that; but however many, we ought to have shower facilities, including for staff that work so many long hours. Many staff are working 12- and 16-hour days. They should certainly have an hour to take a jog if they want, down to the Mall or whatever. We need to be building more shower facilities for both men and women and I think eventually some workout facility on the Capitol grounds. We have language that will move us forward in that direction.

The gentlewoman from California (Ms. LEE) had an amendment that was not made in order, but I want to say for the record that I support the concept of eligibility for student loan repayment benefits for employees of the House and its supporting agencies.

As she pointed out, executive branch employees as well as employees of the GPO and the Library of Congress are already eligible for student loan forgiveness. Current law authorizes payments of up to $6,000 per year up to a total of $40,000 per person for their college education. We did not approve the request of the CBO, however, to extend this benefit to their employees because we felt that a uniform policy should be developed across the board. The bill, therefore, calls for study of the issue by the Committee on House Administration.

The Senate bill, which was reported subsequent to our subcommittee markup, authorizes the extension of this benefit to all Senate employees. In light of that action and in anticipation of the other body's desire to include this benefit for Senate employees in this year's bill, it is essential that the Committee on House Administration develop guidelines rapidly. This would give the conferees on the Legislative bill some real options for moving forward with a well-thought-out student loan forgiveness eligibility program.

We need more tools to recruit and retain valuable staff. This program is a modest way to help individuals who have decided on public service as a career to get higher education and for us to help them make it affordable. I hope we can be responsive to this need but do it in the context of a uniform policy for all House employees. I congratulate the gentlewoman from California (Ms. LEE) for having introduced her amendment.

We do have two, what I would consider, minor amendments, no offense to the people making them; but they should not be too controversial, and then we should be able to pass this bill.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2647 is as follows:

H.R. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $882,100,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $15,910,000, including: Office of the Speaker, $1,866,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,830,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,224,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,562,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,168,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $431,000; Republican Steering Committee, $806,000; Republican Conference, $1,342,000; Democratic Steering and Policy Committee, $1,435,000; Democratic Caucus, $713,000; nine minority employees, $1,293,000; training and program development—majority, $290,000; training and program development—minority, $290,000; and Cloakroom Personnel—majority, $330,000; and minority $330,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $479,472,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $104,514,000: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2002.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $23,002,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $101,766,000, including: for salaries and expenses of the Office of the Clerk, including not more than $11,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $15,408,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $4,139,000; for salaries and expenses of the Office of the Chief Administrative Officer, $67,495,000, of which $3,525,000 shall remain available until expended, including $31,510,000 for salaries, expenses and temporary personal services of House Information Resources, of which $31,390,000 is provided herein: *Provided,* That of the amount provided for House Information Resources, $8,656,000 shall be for net expenses of telecommunications: *Provided further,* That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,756,000; for salaries and expenses of the Office of General Counsel, $894,000; for the Office of the Chaplain, $144,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,344,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,107,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $5,456,000; for salaries and expenses of the Corrections Calendar Office, $883,000; and for other authorized employees, $140,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $157,436,000, including: supplies, materials, administrative costs and Federal tort claims, $3,379,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $152,957,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $690,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Effective October 1, 2001, the following four majority positions shall be transferred from the Clerk to the Speaker:

(1) The position of chief of floor service.

(2) Two positions of assistant floor chief.

(3) One position of cloakroom attendant.

(b) Effective October 1, 2001, the following four minority positions shall be transferred from the Clerk to the minority leader:

(1) The position of chief of floor service.

(2) Two positions of assistant floor chief.

(3) One position of cloakroom attendant.

(c) Each individual who is an incumbent of a position transferred by subsection (a) or subsection (b) at the time of the transfer shall remain subject to the House Employees Position Classification Act (2 U.S.C. 290 et seq.), except that the authority of the Clerk and the committee under the Act shall be exercised—

(1) by the Speaker, in the case of an individual in a position transferred under subsection (a); and

(2) by the minority leader, in the case of an individual in a position transferred under subsection (b).

SEC. 102. (a) The third sentence of section 104(a)(1) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99–500 and Public Law 99–591) (2 U.S.C. 117e(1)) is amended by striking ''for credit to the appropriate account'' and all that follows and inserting the following: ''for credit to the appropriate account of the House of Representatives, and shall be available for expenditure in accordance with applicable law. For purposes of the previous sentence, in the case of receipts from the sale or disposal of any audio or video transcripts prepared by the House Recording Studio, the 'appropriate account of the House of Representatives' shall be the account of the Chief Administrative Officer of the House of Representatives.''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 103. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2002. Any amount remaining after all payments are made under such allowances for fiscal year 2002 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 104. (a) DAY FOR PAYING SALARIES OF THE HOUSE OF REPRESENTATIVES.—The usual day for paying salaries in or under the House of Representatives shall be the last day of each month, except that if the last day of a month falls on a Saturday, Sunday, or a legal public holiday, the Chief Administrative Officer of the House of Representatives shall pay such salaries on the first weekday which precedes the last day.

(b) CONFORMING AMENDMENT.—(1) The first section and section 2 of the Joint Resolution entitled ''Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month each year'', approved May 21, 1937 (2 U.S.C. 60d and 60e), are each repealed.

(2) The last paragraph under the heading ''Contingent Expense of the House'' in the First Deficiency Appropriation Act, 1946 (2 U.S.C. 60e–1), is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to pay periods beginning after the expiration of the 1-year period which begins on the date of the enactment of this Act.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,424,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,733,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to two assistants and $400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,253,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,865,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $112,592,000, of which $55,013,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief of the Capitol Police or the Chief's delegee, and $57,579,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided,* That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms and Doorkeeper of the Senate or the Sergeant at Arms of the House of Representatives designated by the Chairman of the Board, $11,081,000, to be disbursed by the Chief of the Capitol Police or the Chief's delegee: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2002 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 105. Amounts appropriated for fiscal year 2002 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading ''SALARIES'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading ''SALARIES''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,512,000, to be disbursed by the Secretary of the Senate: *Provided,* That no part of such amount may be used to employ more than 43 individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,059,000, of which $254,000 shall remain available until September 30, 2003.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $30,780,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 106. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of chapter 41 of title 5, United States Code, as the Director determines necessary to provide hereafter for training of individuals employed by the Congressional Budget Office.

(b) The implementing regulations shall provide for training that, in the determination of the Director, is consistent with the training provided by agencies subject to chapter 41 of title 5, United States Code.

(c) Any recovery of debt owed to the Congressional Budget Office under this section and its implementing regulations shall be credited to the appropriations account available for salaries and expenses of the Office at the time of recovery.

SEC. 107. Section 105(a) of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. §606(a)), is amended by striking ''or discarding.'' and inserting ''sale, trade-in, or discarding.'', and by adding at the end the following: ''Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Congressional Budget Office and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year in which received and the following fiscal year.''.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

GENERAL AND ADMINISTRATION

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle; and not to exceed $30,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $46,705,000, of which $3,414,000 shall remain available until expended.

MINOR CONSTRUCTION

For minor construction (as established under section 108 of this Act), $9,482,000, to remain available until expended, to be used in accordance with the terms and conditions described in such section.

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol $17,674,000, of which $6,267,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $6,904,000, of which $100,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $49,006,000, of which $18,344,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $45,324,000, of which $100,000 shall remain available until expended: *Provided*, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2002.

ADMINISTRATIVE PROVISIONS

SEC. 108. (a) ESTABLISHMENT OF ACCOUNT FOR MINOR CONSTRUCTION.—There is hereby established in the Treasury of the United States an account for the Architect of the Capitol to be known as ''minor construction'' (hereafter in this section referred to as the ''account'').

(b) USES OF FUNDS IN ACCOUNT.—Subject to subsection (c), funds in the account shall be used by the Architect of the Capitol for land and building acquisition, construction, repair, and alteration projects resulting from unforeseen and unplanned conditions in connection with construction and maintenance activities under the jurisdiction of the Architect (including the United States Botanic Garden).

(c) PRIOR NOTIFICATION REQUIRED FOR OBLIGATION.—The Architect of the Capitol may not obligate any funds in the account with respect to a project unless, not fewer than 21 days prior to the obligation, the Architect provides notice of the obligation to—

(1) the Committee on Appropriations of the House of Representatives, in the case of a project on behalf of the House of Representatives;

(2) the Committee on Appropriations of the Senate, in the case of a project on behalf of the Senate; or

(3) both the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, in the case of any other project.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 109. (a) ACQUISITION OF PROPERTY BY ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol is authorized to secure, subject to the availability of appropriated funds (through such agreement as the Architect considers appropriate), the property and facilities located at 67 K Street Southwest in the District of Columbia (square 645, lot 814).

(b) USES AND CONTROL OF PROPERTY.—

(1) IN GENERAL.—The property and facilities secured by the Architect under subsection (a) shall be under the control of the Chief of the United States Capitol Police and shall be used by the Chief for the care and maintenance of vehicles of the United States Capitol Police, in accordance with a plan prepared by the Chief and approved by the Committees on Appropriations of the House of Representatives and Senate.

(2) ADDITIONAL USES PERMITTED.—In addition to the use described in paragraph (1), the Chief of the United States Capitol Police may permit the property and facilities secured by the Architect under subsection (a) to be used for other purposes by the United States Capitol Police, the House of Representatives, the Senate, and the Architect of the Capitol, subject to—

(A) the approval of the Committee on Appropriations of the House of Representatives, in the case of use by the House of Representatives;

(B) the approval of the Committee on Appropriations of the Senate, in the case of use by the Senate; or

(C) the approval of both the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, in the case of use by the United States Capitol Police or the Architect of the Capitol.

(c) EXPENSES.—

(1) IN GENERAL.—The Architect of the Capitol shall be responsible for the costs of the necessary expenses incidental to the use of the property and facilities described in subsection (a) (including payments under the lease), including expenses for maintenance, alterations, and repair of the property and facilities, except that the Chief of the United States Capitol Police shall be responsible for the costs of any equipment, furniture, and furnishings used in connection with the care and maintenance of vehicles pursuant to subsection (b)(1).

(2) SOURCE OF FUNDS.—

(A) IN GENERAL.—The funds expended by the Architect to carry out paragraph (1) in any fiscal year shall be derived solely from funds appropriated to the Architect for the fiscal year for purposes of the United States Capitol Police.

(B) USE OF CERTAIN 1999 FUNDS.—The funds expended by the Architect to carry out paragraph (1) may also be derived from funds appropriated to the Architect in the Legislative Branch Appropriations Act, 1999, under the heading ''ARCHITECT OF THE CAPITOL—CAPITOL BUILDINGS AND GROUNDS—CAPITOL BUILDINGS—SALARIES AND EXPENSES'' for the design of police security projects, which shall remain available until expended.

(d) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

SEC. 110. (a) COMPENSATION OF CERTAIN POSITIONS IN THE OFFICE OF THE ARCHITECT OF THE CAPITOL.—In accordance with the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–3a(a)), section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) The Architect of the Capitol may fix the rate of basic pay for not more than 11 positions (of whom 1 shall be the project manager for the Capitol Visitor Center and 1 shall be the project manager for the modification of the Capitol Power Plant) at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.''; and

(2) by redesignating subsection (c) as subsection (b).

(b) COMPREHENSIVE MANAGEMENT STUDY AND RESPONSE.—

(1) STUDY BY COMPTROLLER GENERAL.—The Comptroller General shall conduct a comprehensive management study of the operations of the Architect of the Capitol, and shall submit the study to the Architect of the Capitol and the Committees on Appropriations of the House of Representatives and Senate.

(2) PLAN BY ARCHITECT IN RESPONSE.—The Architect of the Capitol shall develop and submit to the Committees referred to in paragraph (1) a management improvement plan which addresses the study of the Comptroller General under paragraph (1) and which indicates how the salary adjustments made by the amendments made by this section will support such plan.

(c) EFFECTIVE DATE.—This section (other than subsection (b)) and the amendments made by this section shall apply with respect to pay periods beginning on or after the date on which the Committees on Appropriations of the House of Representatives and Senate approve the plan submitted by the Architect of the Capitol under subsection (b)(2).

SEC. 111. (a) LIQUIDATED DAMAGES.—The Architect of the Capitol may not enter into or administer any construction contract with a value greater than $50,000 unless the contract includes a provision requiring the payment of liquidated damages in the amount determined under subsection (b) in the event that completion of the project is delayed because of the contractor.

(b) AMOUNT OF PAYMENT.—The amount of payment required under a liquidated damages provision described in subsection (a) shall be equal to the product of—

(1) the daily liquidated damage payment rate; and

(2) the number of days by which the completion of the project is delayed.

(c) DAILY LIQUIDATED DAMAGE PAYMENT RATE.—

(1) IN GENERAL.—In subsection (b), the ''daily liquidated damage payment rate'' means—

(A) $140, in the case of a contract with a value greater than $50,000 and less than $100,000;

(B) $200, in the case of a contract with a value equal to or greater than $100,000 and equal to or less than $500,000; and

(C) the sum of $200 plus $50 for each $100,000 increment by which the value of the contract exceeds $500,000, in the case of a contract with a value greater than $500,000.

(2) ADJUSTMENT IN RATE PERMITTED.—Notwithstanding paragraph (1), the daily liquidated damage payment rate may be adjusted by the contracting officer involved to a rate greater or lesser than the rate described in such paragraph if the contracting officer makes a written determination that the rate described does not accurately reflect the anticipated damages which will be suffered by the United States as a result of the delay in the completion of the contract.

(d) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into during fiscal year 2002 or any succeeding fiscal year.

SEC. 112. (a) Notwithstanding any other provision of law, the Architect of the Capitol may not reprogram any funds with respect to any project or object class without the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of a project or object class within the House of Representatives;

(2) the Committee on Appropriations of the Senate, in the case of a project or object class within the Senate; or

(3) both the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, in the case of any other project or object class.

(b) This section shall apply with respect to funds provided to the Architect of the Capitol before, on, or after the date of the enactment of this Act.

SEC. 113. (a) LIMITATION.—(1) Except as provided in paragraph (2), none of the funds provided by this Act or any other Act may be used by the Architect of the Capitol during fiscal year 2002 or any succeeding fiscal year to employ any individual as a temporary employee within a category of temporary employment which does not provide employees with the same eligibility for life insurance, health insurance, retirement, and other benefits which is provided to temporary employees who are hired for a period exceeding one year in length.

(2) Paragraph (1) shall not apply with respect to any individual who is a temporary employee of the Senate Restaurant or a temporary employee who is hired for a total of 120 days or less during any 5-year period.

(b) ALLOTMENT AND ASSIGNMENT OF PAY.—(1) Section 5525 of title 5, United States Code, is amended by adding at the end the following new sentence: ''For purposes of this section, the term 'agency' includes the Office of the Architect of the Capitol.''.

(2) The amendment made by paragraph (1) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $81,454,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $81,000,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

This title may be cited as the ''Congressional Operations Appropriations Act, 2002''.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $5,946,000: *Provided*, That this appropriation shall not be available for any activities of the National Garden: *Provided further*, That not more than $25,000 of the amount appropriated under this heading is available for official reception and representation expenses in connection with the opening of the renovated Botanic Garden Conservatory, upon approval by the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $304,692,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2002, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall

be derived from collections during fiscal year 2002 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: *Provided further*, That of the total amount appropriated, $15,824,474 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, $1,517,903 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further*, That of the total amount appropriated, $5,600,000 is to remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the ''Joining Hands Across America: Local Community Initiative'' project as approved by the Library.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $40,896,000, of which not more than $21,880,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2002 under 17 U.S.C. 708(d): *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,984,000 shall be derived from collections during fiscal year 2002 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $27,864,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $49,788,000, of which $14,437,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $7,932,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $203,560, of which $60,486 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ''manager or supervisor'' means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of sections 1535 and 1536 of title 31, United States Code, shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2002, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $114,473,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) For fiscal year 2002, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading ''LIBRARY OF CONGRESS—SALARIES AND EXPENSES'' to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 207. Section 101 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182a) is amended—

(1) in the heading, by striking ''**AUDIO AND VIDEO**''; and

(2) in subsection (a), by striking ''audio and video''.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $22,252,000, of which $8,918,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,639,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $175,000: *Provided further*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2000 and 2001 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF

DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,260 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further,* That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further,* That expenses for attendance at meetings shall not exceed $75,000.

ADMINISTRATIVE PROVISION

EXTENSION OF EARLY RETIREMENT AND VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR GPO

SEC. 208. (a) Section 309 of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note), is amended—

(1) in subsection (b)(1)(A), by striking ''October 1, 2001'' and inserting ''October 1, 2004''; and

(2) in subsection (c)(2), by striking ''September 30, 2001'' and inserting ''September 30, 2004''.

(b) The amendments made by this section shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 1999.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $421,844,000: *Provided,* That not more than $1,751,000 of payments received under section 782 of title 31, United States Code shall be available for use in fiscal year 2002: *Provided further,* That not more than $750,000 of reimbursements received under section 9105 of title 31, United States Code shall be available for use in fiscal year 2002: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further,* That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2002 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided,* That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $252,000.

SEC. 308. (a) Section 5596(a) of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(6) the Architect of the Capitol; and

''(7) the United States Botanic Garden.''.

(b) The amendment made by subsection (a) shall apply with respect to personnel actions taken on or after the date of the enactment of this Act.

SEC. 309. Section 4(b) of the House Employees Position Classification Act (2 U.S.C. 293(b)) is amended by adding at the end the following: ''Notwithstanding any other provision of this Act, for purposes of applying the adjustment made by the committee under this subsection for 2002 and each succeeding year, positions under the Chief Administrative Officer shall include positions of the United States Capitol telephone exchange under the Chief Administrative Officer.''.

SEC. 310. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

This Act may be cited as the ''Legislative Branch Appropriations Act, 2002''.

The CHAIRMAN. No amendment is in order except those printed in House Report 107–171. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 107–171.

AMENDMENT NO. 1 OFFERED BY MR. ROTHMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ROTHMAN:

Page 45, add after line 25 the following:

SEC. 311. Of the amounts made available in this Act for the Chief Administrative Officer of the House of Representatives and the amounts made available in this Act for the Architect of the Capitol for the item relating to ''HOUSE OFFICE BUILDINGS'', an aggregate amount of $75,000 shall be made available for the installation of compact fluorescent light bulbs in table, floor, and desk lamps in House office buildings for offices of the House which request them (including any retrofitting of the lamps which may be necessary to install such bulbs), consistent with the energy conservation plan of the Architect under section 310 of the Legislative Branch Appropriations Act, 1999.

The CHAIRMAN. Pursuant to House Resolution 213, the gentleman from New Jersey (Mr. ROTHMAN) and a Member opposed each will control 5 minutes.

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

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

First, let me thank the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Virginia (Mr. MORAN) as well as staff members Liz Dawson and Mark Murray for allowing me to bring this amendment forward and for working with me to make this possible.

Mr. Chairman, I am offering an amendment today that is quite simple. It would provide sufficient resources from existing funds to allow House Members to request the installation of energy-efficient compact fluorescent light bulbs in their offices.

Some may say, well, that sounds pretty trivial. Well, if saving money for the taxpayers is trivial, if saving energy is trivial, then maybe so. But I think not. I think that this is important and an important first step. For example, this compact fluorescent light bulb that could be used in the Members' offices, at their request, saves about $3.60 per light bulb per year. Now, we have got three or 4,000 light bulbs in the Members' offices. These new light bulbs will also last 20 times longer than regular light bulbs. So not only will we save a lot of money on the energy that we will not be consuming with these new bulbs, they will last 20 times longer, which means we will be buying between 50 and 100,000 less light bulbs over the course of 10 years, and we will not have to divert attention from the House maintenance staff to this task of changing light bulbs, and they can go on and do the other important work that they are doing.

Let me just say this. It is also, frankly, an indication that the House of Representatives is very much concerned about saving energy. This builds on the 1998 initiative of this Congress to install energy-saving fixtures where we can. As a result of that initiative, the Capitol complex is using nearly 31 million kilowatt hours less than before, a 10 percent decrease in power usage.

Let me add two other points: one is that if we continue in this direction, we can avoid having to construct new power plants. It is said if everyone in America used them, we could retire 90 power plants. Finally, we should, where possible and reasonable, make sure we use these new light bulbs that are made in the USA.

Again, I thank the chairman and my distinguished friend and ranking member, the gentleman from Virginia, for all their help in getting this amendment before this body.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ROTHMAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 107–171.

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TRAFICANT:

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

SEC. . No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

The CHAIRMAN. Pursuant to House Resolution 213, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

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

I noticed in the last debate, the gentleman from New Jersey (Mr. ROTHMAN) has a very good amendment. But he was to have shown you one of those bulbs. After discussing it with me, and it is certainly no reflection on the gentleman from New Jersey or his staff, the reason why he did not show that bulb to the Congress is his staff went out and bought one for the purposes of display and that light bulb was made in China. The gentleman from New Jersey having seen that and certainly very supportive of Made in America/Buy American, says he further recommended in his closing remarks that we try and buy those bulbs made in America. The truth of the matter is while some people may think some of these concerns are trivial, the United States trade deficit is approaching one-third of a trillion dollars a year. A lot of people really do not look at labels. The Traficant amendment says if anybody has violated a Buy American Act, at some point they cannot get money under this bill.

□ 1145

I do not even think that goes far enough. I think the people who buy for the Federal Government should look at the labels. If they are going to buy bulbs from China and buy goods made in Japan and continue to buy Russian-made goods and continue to give foreign aid to Russia, we might find ourselves some day arming ourselves in a possible war with one of these nations that we financed.

So I would hope that after the remarks of the gentleman from New Jersey (Mr. ROTHMAN), the reason why he did not show that bulb, it was made in China. So any of the workers and procurement people in Washington who are now going to get $65 tax-free to help commute, when they go out and buy, look at the label.

With that, a $360 billion trade deficit, for historical purposes, Jimmy Carter's last year had a balanced trade picture; no surplus, no deficit.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have no objection to the amendment offered by the distinguished gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I would be glad to yield to my distinguished friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, we do not have any objection either; but I do not think that, as long as we look for the highest quality at the most affordable price, we are going to have a problem with the intent of the gentleman's amendment anyway. But we are not going to object to it.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I was hoping the gentleman would say he supported it.

With that, I ask for a vote in the affirmative.

The CHAIRMAN. Is there any Member who claims time in opposition to the amendment?

Hearing none, the question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. SIMPSON, 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. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 213, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks, and that I be permitted to include tabular and extraneous material

on the bill, H.R. 2647, making appropriations for the Legislative Branch for the fiscal year 2002, and for other purposes.

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

Mr. YOUNG of Florida. Mr. Speaker, reserving the right to object, I only do so to commend the gentleman from North Carolina (Chairman TAYLOR) and the gentleman from Virginia (Mr. MORAN) for bringing a good bill to the floor and having done a good job.

In addition, I want to announce to Members that this is the tenth appropriations bill that we have passed this year; and despite the fact that we got off to a very late start, not receiving our justifications and specific numbers actually until April, when we normally get them in February, the House has done a great job in coming together to pass these appropriations bills, one supplemental that is already signed into law and nine of the regular appropriations bills.

That is all the appropriations business we will have for the balance of this week and until we return from our summer work period in our districts. When we get back, we will take up very soon upon our arrival the Military Construction bill, the Defense appropriations bill, the District of Columbia bill and the Labor Health and Education bill.

So we had a very busy month in June and an extremely busy month in July as far as appropriations go. September will be no different. It will be an intense time for all of us as we approach the end of the fiscal year.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The Chair will put the amendments en gros.

The amendments were agreed to.

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

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

The SPEAKER pro tempore. The question is on passage of the bill.

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this will be a 15 minute vote on passage, which will be followed by a 5 minute vote on approving the Journal.

The vote was taken by electronic device, and there were—yeas 380, nays 38, not voting 15, as follows:

[Roll No. 298]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Granger
Graves
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schrock
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—38

Barcia
Barr
Barrett
Costello
Deutsch
Doggett
Goode
Goodlatte
Green (TX)
Green (WI)
Hefley
Hoekstra
Hulshof
Israel
Johnson (IL)
Jones (NC)
Kind (WI)
Lucas (KY)
Luther
Moore
Moran (KS)
Paul
Petri
Phelps
Pitts
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Schiff
Sensenbrenner
Shimkus
Shows
Stearns
Tancredo
Taylor (MS)
Thurman
Toomey

NOT VOTING—15

Flake
Gordon
Hastings (FL)
Herger
Hunter
Johnson, E. B.
Jones (OH)
Lipinski
McKinney
Millender-McDonald
Neal
Norwood
Scott
Spence
Stark

□ 1216

Messrs. SHOWS, SCHIFF, SHIMKUS, DOGGETT, JOHNSON of Illinois, BARCIA, and PHELPS changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Mr. Speaker, on rollcall No. 298 I was unavoidably detained. Had I been present, I would have voted "yea".

THE JOURNAL

The SPEAKER pro tempore (Mr. MCHUGH). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

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

RECORDED VOTE

Mr. MCNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 359, noes 44, answered ''present'' 1, not voting 29, as follows:

[Roll No. 299]

AYES—359

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
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Hinojosa
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Holden
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Hooley
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Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller, George
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Riley
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—44

Baird
Capuano
Costello
Crane
Crowley
DeFazio
English
Filner
Fossella
Gutierrez
Gutknecht
Hefley
Hilliard
Hoekstra
Hulshof
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McCarthy (NY)
McDermott
McNulty
Menendez
Moore
Moran (KS)
Oberstar
Peterson (MN)
Platts
Ramstad
Roemer
Sabo
Schaffer
Stupak
Sweeney
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Wamp
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—29

Calvert
Cubin
Flake
Gephardt
Gordon
Goss
Hastings (FL)
Hunter
Hutchinson
Jefferson
Johnson, E. B.
Jones (OH)
Keller
Kelly
Lewis (CA)
Lipinski
McKinney
Millender-McDonald
Miller, Gary
Neal
Norwood
Reynolds
Rush
Scott
Slaughter
Spence
Stark
Taylor (MS)
Towns

□ 1225

So the Journal was approved.

The result of the vote was announced as above recorded.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages, in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–111)

The SPEAKER pro tempore (Mr. RYAN of Wisconsin) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 2001, to the Federal Register for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing, unusual, and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 31, 2001*.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–110)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 31, 2001*.

VETERANS BENEFITS ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2540) to amend title 38, United States Code, to make

various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2540

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Benefits Act of 2001''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.
TITLE I—ANNUAL COST-OF-LIVING ADJUSTMENT IN COMPENSATION AND DIC RATES
Sec. 101. Increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 102. Publication of adjusted rates.
TITLE II—COMPENSATION PROVISIONS
Sec. 201. Presumption that diabetes mellitus (type 2) is service-connected.
Sec. 202. Inclusion of illnesses that cannot be clearly defined in presumption of service connection for Gulf War veterans.
Sec. 203. Preservation of service connection for undiagnosed illnesses to provide for participation in research projects by Gulf War veterans.
Sec. 204. Presumptive period for undiagnosed illnesses program providing compensation for veterans of Persian Gulf War who have certain illnesses.
TITLE III—ADMINISTRATION OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS
Sec. 301. Registration fees.
Sec. 302. Administrative authorities.
TITLE IV—OTHER MATTERS
Sec. 401. Payment of insurance proceeds to an alternate beneficiary when first beneficiary cannot be identified.
Sec. 402. Extension of copayment requirement for outpatient prescription medications.
Sec. 403. Department of Veterans Affairs Health Services Improvement Fund made subject to appropriations.
Sec. 404. Native American veteran housing loan pilot program.
Sec. 405. Modification of loan assumption notice requirement.
Sec. 406. Elimination of requirement for providing a copy of notice of appeal to the Secretary.
Sec. 407. Pilot program for expansion of toll-free telephone access to veterans service representatives.
Sec. 408. Technical and clerical amendments.
Sec. 409. Codification of recurring provisions in annual Department of Veterans Affairs appropriations Acts.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ANNUAL COST-OF-LIVING ADJUSTMENT IN COMPENSATION AND DIC RATES

SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2001, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2001.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2001, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2002, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 101, as increased pursuant to that section.

TITLE II—COMPENSATION PROVISIONS

SEC. 201. PRESUMPTION THAT DIABETES MELLITUS (TYPE 2) IS SERVICE-CONNECTED.

Section 1116(a)(2) is amended by adding at the end the following new subparagraph:

''(H) Diabetes Mellitus (Type 2).''.

SEC. 202. INCLUSION OF ILLNESSES THAT CANNOT BE CLEARLY DEFINED IN PRESUMPTION OF SERVICE CONNECTION.

(a) ILLNESSES THAT CANNOT BE CLEARLY DEFINED.—(1) Subsection (a) of section 1117 is amended by inserting ''or fibromyalgia, chronic fatigue syndrome, a chronic multisymptom illness, or any other illness that cannot be clearly defined (or combination of illnesses that cannot be clearly defined)'' after ''illnesses)''.

(2) Subsection (c)(1) of such section is amended by inserting ''or fibromyalgia, chronic fatigue syndrome, a chronic multisymptom illness, or any other illness that cannot be clearly defined (or combination of illnesses that cannot be clearly defined)'' in the matter preceding subparagraph (A) after ''illnesses)''.

(b) SIGNS OR SYMPTOMS THAT MAY INDICATE UNDIAGNOSED ILLNESSES.—(1) Section 1117 is further amended by adding at the end the following new subsection:

''(g) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness include the following:

''(1) Fatigue.

''(2) Unexplained rashes or other dermatological signs or symptoms.

''(3) Headache.

''(4) Muscle pain.

''(5) Joint pain.

''(6) Neurologic signs or symptoms.

''(7) Neuropsychological signs or symptoms.

''(8) Signs or symptoms involving the respiratory system (upper or lower).

''(9) Sleep disturbances.

''(10) Gastrointestinal signs or symptoms.

''(11) Cardiovascular signs or symptoms.

''(12) Abnormal weight loss.

''(13) Menstrual disorders.''.

(2) Section 1118(a) is amended by adding at the end the following new paragraph:

''(4) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness include the signs and symptoms listed in section 1117(g) of this title.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2002.

SEC. 203. PRESERVATION OF SERVICE CONNECTION FOR UNDIAGNOSED ILLNESSES TO PROVIDE FOR PARTICIPATION IN RESEARCH PROJECTS BY GULF WAR VETERANS.

(a) AUTHORITY FOR SECRETARY TO PROVIDE FOR PARTICIPATION WITHOUT LOSS OF BENEFITS.—Section 1117 is amended by adding after subsection (g), as added by section 202(b), the following new subsection:

''(h)(1) If the Secretary determines with respect to a medical research project sponsored by the Department that it is necessary for the conduct of the project that Persian Gulf veterans in receipt of compensation under this section or section 1118 of this title participate in the project without the possibility of loss of service connection under either such section, the Secretary shall provide that service connection granted under either such section for disability of a veteran who participated in the research project may not be terminated.

''(2) Paragraph (1) does not apply in a case in which—

''(A) the original award of compensation or service connection was based on fraud; or

''(B) it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge.

''(3) The Secretary shall publish in the Federal Register a notice of each determination made by the Secretary under paragraph (1) with respect to a medical research project.''.

(b) EFFECTIVE DATE.—The authority provided by subsection (h) of section 1117 of title 38, United States Code, as added by subsection (a), may be used by the Secretary of Veterans Affairs with respect to any medical research project of the Department of Veterans Affairs, whether commenced before, on, or after the date of the enactment of this Act.

SEC. 204. PRESUMPTIVE PERIOD FOR UNDIAGNOSED ILLNESSES PROGRAM PROVIDING COMPENSATION FOR VETERANS OF PERSIAN GULF WAR WHO HAVE CERTAIN ILLNESSES.

Section 1117 is amended—

(1) in subsection (a)(2), by striking ''within the presumptive period prescribed under subsection (b)'' and inserting ''before December 31, 2003''; and

(2) by striking subsection (b).

TITLE III—ADMINISTRATION OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 301. REGISTRATION FEES.

(a) FEES FOR COURT-SPONSORED ACTIVITIES.—Subsection (a) of section 7285 is amended by adding at the end the following new sentence: ''The Court may also impose registration fees on persons participating in a judicial conference convened pursuant to section 7286 of this title or any other court-sponsored activity.''.

(b) USE OF FEES.—Subsection (b) of such section is amended by striking ''for the purposes of (1)'' and all that follows through the period and inserting ''for the following purposes:

''(1) Conducting investigations and proceedings, including employing independent counsel, to pursue disciplinary matters.

''(2) Defraying the expenses of—

''(A) judicial conferences convened pursuant to section 7286 of this title; and

''(B) other activities and programs that are designed to support and foster bench and bar communication and relationships or the study, understanding, public commemoration, or improvement of veterans law or of the work of the Court.''.

(c) CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

''§ 7285. Practice and registration fees''.

(2) The item relating to such section in the table of sections at the beginning of chapter 72 is amended to read as follows:

''7285. Practice and registration fees.''.

SEC. 302. ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

''§ 7287. Administration

''Notwithstanding any other provision of law, the Court of Appeals for Veterans Claims may exercise, for purposes of management, administration, and expenditure of funds, the authorities provided for such purposes by any provision of law (including any limitation with respect to such provision) applicable to a court of the United States as defined in section 451 of title 28, except to the extent that such provision of law is inconsistent with a provision of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 7286 the following new item:

7287. Administration.''.

TITLE IV—OTHER MATTERS

SEC. 401. PAYMENT OF INSURANCE PROCEEDS TO AN ALTERNATE BENEFICIARY WHEN FIRST BENEFICIARY CANNOT BE IDENTIFIED.

(a) NSLI.—Section 1917 is amended by adding at the end the following new subsection:

''(f)(1) Following the death of the insured—

''(A) if the first beneficiary otherwise entitled to payment of the insurance proceeds does not make a claim for such payment within three years after the death of the insured, payment of the proceeds may be made to another beneficiary designated by the insured, in the order of precedence as designated by the insured, as if the first beneficiary had predeceased the insured; and

''(B) if within five years after the death of the insured, no claim has been filed by a person designated by the insured as a beneficiary and the Secretary has not received any notice in writing that any such claim will be made, payment of the insurance proceeds may (notwithstanding any other provision of law) be made to such person as may in the judgment of the Secretary be equitably entitled to the proceeds of the policy.

''(2) Payment of insurance proceeds under paragraph (1) shall be a bar to recovery by any other person.''.

(b) USGLI.—Section 1951 is amended—

(1) by inserting ''(a)'' before ''United States Government''; and

(2) by adding at the end the following new subsection:

''(b)(1) Following the death of the insured—

''(A) if the first beneficiary otherwise entitled to payment of the insurance proceeds does not make a claim for such payment within three years after the death of the insured, payment of the proceeds may be made to another beneficiary designated by the insured, in the order of precedence as designated by the insured, as if the first beneficiary had predeceased the insured; and

''(B) if within five years after the death of the insured, no claim has been filed by a person designated by the insured as a beneficiary and the Secretary has not received any notice in writing that any such claim will be made, payment of the insurance proceeds may (notwithstanding any other provision of law) be made to such person as may in the judgment of the Secretary be equitably entitled to the proceeds of the policy.

''(2) Payment of insurance proceeds under paragraph (1) shall be a bar to recovery by any other person.''.

(c) TRANSITION PROVISION.—In the case of a person insured under subchapter I or II of chapter 19 of title 38, United States Code, who dies before the date of the enactment of this Act, the three-year and five-year periods specified in subsection (f)(1) of section 1917 of title 38, United States Code, as added by subsection (a), and subsection (b)(1) of section 1951 of such title, as added by subsection (b), shall for purposes of the applicable subsection be treated as being the three-year and five-year periods, respectively, beginning on the date of the enactment of this Act.

SEC. 402. EXTENSION OF COPAYMENT REQUIREMENT FOR OUTPATIENT PRESCRIPTION MEDICATIONS.

Section 1722A(d) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2006''.

SEC. 403. DEPARTMENT OF VETERANS AFFAIRS HEALTH SERVICES IMPROVEMENT FUND MADE SUBJECT TO APPROPRIATIONS.

(a) AMOUNTS TO BE SUBJECT TO APPROPRIATIONS.—Effective October 1, 2002, subsection (c) of section 1729B is amended by striking ''Amounts in the fund are hereby made available,'' and inserting ''Subject to the provisions of appropriations Acts, amounts in the fund shall be available,''.

(b) TECHNICAL AMENDMENT.—Subsection (b) of such section is amended by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

SEC. 404. NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) EXTENSION OF NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.—Section 3761(c) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2005''.

(b) AUTHORIZATION OF THE USE OF CERTAIN FEDERAL MEMORANDUMS OF UNDERSTANDING.—Section 3762(a)(1) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by striking ''and'' after the semicolon and inserting ''or''; and

(3) by adding at the end the following:

''(B) the tribal organization that has jurisdiction over the veteran has entered into a memorandum of understanding with any department or agency of the United States with respect to direct housing loans to Native Americans that the Secretary determines substantially complies with the requirements of subsection (b); and''.

SEC. 405. MODIFICATION OF LOAN ASSUMPTION NOTICE REQUIREMENT.

Section 3714(d) is amended to read as follows:

''(d) With respect to a loan guaranteed, insured, or made under this chapter, the Secretary shall provide, by regulation, that at least one instrument evidencing either the loan or the mortgage or deed of trust therefor, shall conspicuously contain, in such form as the Secretary shall specify, a notice in substantially the following form: 'This loan is not assumable without the approval of the Department of Veterans Affairs or its authorized agent'.''.

SEC. 406. ELIMINATION OF REQUIREMENT FOR PROVIDING A COPY OF NOTICE OF APPEAL TO THE SECRETARY.

(a) REPEAL.—Section 7266 is amended by striking subsection (b).

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking ''(1)'' after ''(a)'';

(2) by redesignating paragraph (2) as subsection (b);

(3) by redesignating paragraph (3) as subsection (c) and redesignating subparagraphs (A) and (B) thereof as paragraphs (1) and (2); and

(4) by redesignating paragraph (4) as subsection (d) and by striking ''paragraph (3)(B)'' therein and inserting ''subsection (c)(2)''.

SEC. 407. PILOT PROGRAM FOR EXPANSION OF TOLL-FREE TELEPHONE ACCESS TO VETERANS SERVICE REPRESENTATIVES.

(a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall conduct a pilot program to test the benefits and cost-effectiveness of expanding access to veterans service representatives of the Department of Veterans Affairs through a toll-free (so-called ''1–800'') telephone number. Under the pilot program, the Secretary shall expand the available hours of such access to veterans service representatives to not less than 12 hours on each regular business day and not less than six hours on Saturday.

(b) INFORMATION TO BE PROVIDED.—The Secretary shall ensure, as part of the pilot program, that veterans service representatives of the Department of Veterans Affairs

have available to them (in addition to information about benefits provided under laws administered by the Secretary) information about veterans benefits provided by—

(1) all other departments and agencies of the United States; and

(2) State governments.

(c) CONSULTATION.—The Secretary shall establish the pilot program in consultation with the heads of other departments and agencies of the United States that provide veterans benefits.

(d) VETERANS BENEFITS DEFINED.—For purposes of this section, the term ''veterans benefits'' means benefits provided to a person based upon the person's own service, or the service of someone else, in the Armed Forces.

(e) PERIOD OF PILOT PROGRAM.—The pilot program shall—

(1) begin not later than six months after the date of the enactment of this Act; and

(2) end at the end of the two-year period beginning on the date on which the program begins.

(f) REPORT.—Not later than 120 days after the end of the pilot program, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program. The report shall provide the Secretary's assessment of the benefits and cost-effectiveness of continuing or making permanent the pilot program, including an assessment of the extent to which there is a demand for access to veterans service representatives during the period of expanded access to such representatives provided under the pilot program.

SEC. 408. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1)(A) Section 712 is repealed.

(B) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 712.

(2) Section 1710B(c)(2)(B) is amended by inserting ''on'' before ''November 30, 1999''.

(3) Section 3695(a)(5) is amended by striking ''1610'' and inserting ''1611''.

(b) OTHER AMENDMENTS.—

(1) Section 1001(a)(2) of the Veterans' Benefits Improvements Act of 1994 (38 U.S.C. 7721 note) is amended by striking ''and'' at the end of subparagraph (C).

(2) Section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended in the first sentence by striking ''to carry out this Act'' and all that follows in that sentence and inserting ''to carry out this Act $50,000,000 for fiscal year 2001.''.

SEC. 409. CODIFICATION OF RECURRING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS.

(a) CODIFICATION OF RECURRING PROVISIONS.—Section 313 is amended by adding at the end the following new subsections:

''(c) COMPENSATION AND PENSION.—Funds appropriated for Compensation and Pensions are available for the following purposes:

''(1) The payment of compensation benefits to or on behalf of veterans as authorized by section 107 and chapters 11, 13, 51, 53, 55, and 61 of this title.

''(2) Pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of this title and section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978.

''(3) The payment of benefits as authorized under chapter 18 of this title.

''(4) Burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payments of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.), and other benefits as authorized by sections 107, 1312, 1977, and 2106 and chapters 23, 51, 53, 55, and 61 of this title and the World War Adjusted Compensation Act (43 Stat. 122, 123), the Act of May 24, 1928 (Public Law No. 506 of the 70th Congress; 45 Stat. 735), and Public Law 87–875 (76 Stat. 1198).

''(d) MEDICAL CARE.—Funds appropriated for Medical Care are available for the following purposes:

''(1) The maintenance and operation of hospitals, nursing homes, and domiciliary facilities.

''(2) Furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department, including care and treatment in facilities not under the jurisdiction of the Department.

''(3) Furnishing recreational facilities, supplies, and equipment.

''(4) Funeral and burial expenses and other expenses incidental to funeral and burial expenses for beneficiaries receiving care from the Department.

''(5) Administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department.

''(6) Oversight, engineering, and architectural activities not charged to project cost.

''(7) Repairing, altering, improving, or providing facilities in the medical facilities and homes under the jurisdiction of the Department, not otherwise provided for, either by contact or by the hire of temporary employees and purchase of materials.

''(8) Uniforms or uniform allowances, as authorized by sections 5901 and 5902 of title 5.

''(9) Aid to State homes, as authorized by section 1741 of this title.

''(10) Administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of this title and Public Law 87–693, popularly known as the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.).

''(e) MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES.—Funds appropriated for Medical Administration and Miscellaneous Operating Expenses are available for the following purposes:

''(1) The administration of medical, hospital, nursing home, domiciliary, construction, supply, and research activities authorized by law.

''(2) Administrative expenses in support of planning, design, project management, architectural work, engineering, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department, including site acquisition.

''(3) Engineering and architectural activities not charged to project costs.

''(4) Research and development in building construction technology.

''(f) GENERAL OPERATING EXPENSES.—Funds appropriated for General Operating Expenses are available for the following purposes:

''(1) Uniforms or allowances therefor.

''(2) Hire of passenger motor vehicles.

''(3) Reimbursement of the General Services Administration for security guard services.

''(4) Reimbursement of the Department of Defense for the cost of overseas employee mail.

''(5) Administration of the Service Members Occupational Conversion and Training Act of 1992 (10 U.S.C. 1143 note).

''(g) CONSTRUCTION.—Funds appropriated for Construction, Major Projects, and for Construction, Minor Projects, are available, with respect to a project, for the following purposes:

''(1) Planning.

''(2) Architectural and engineering services.

''(3) Maintenance or guarantee period services costs associated with equipment guarantees provided under the project.

''(4) Services of claims analysts.

''(5) Offsite utility and storm drainage system construction costs.

''(6) Site acquisition.

''(h) CONSTRUCTION, MINOR PROJECTS.—In addition to the purposes specified in subsection (g), funds appropriated for Construction, Minor Projects, are available for—

''(1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by a natural disaster or catastrophe; and

''(2) temporary measures necessary to prevent or to minimize further loss by such causes.''.

(b) DEFINITION.—(1) Chapter 1 is amended by adding at the end the following new section:

''§ 117. Definition of cost of direct and guaranteed loans

''For the purpose of any provision of law appropriating funds to the Department for the cost of direct or guaranteed loans, the cost of any such loan, including the cost of modifying any such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''117. Definition of cost of direct and guaranteed loans.''.

(c) EFFECTIVE DATE.—Subsections (c) through (h) of section 313 of title 38, United States Code, as added by subsection (a), and section 117 of such title, as added by subsection (b), shall take effect with respect to funds appropriated for fiscal year 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Committee on Veterans' Affairs, I am very pleased to bring before the House H.R. 2540, as amended, Veterans Benefits Act of 2001.

This is the fourth major piece of legislation that the Committee on Veterans' Affairs has brought to the floor this year. Earlier this year, the House passed H.R. 801, the Veterans' Survivor Benefits Improvements Act of 2001, which was signed into law on June 5.

This legislation, Public Law 107–14, expands health and life insurance coverage for dependents and survivors of

veterans. The House also approved H.R. 811, the Veterans' Hospitals Emergency Repair Act, which provides $550 million over 2 years to repair and renovate VA medical facilities.

While this legislation is still awaiting action in the Senate, having passed the House, funding was included in the VA–HUD appropriations bill approved last night to begin these needed repairs.

In addition, the House has approved H.R. 1291, the 21st Century Montgomery G.I. Bill Enhancement Act, which also is awaiting Senate action. It provides a 70 percent increase in G.I. educational benefits to qualifying service members.

Mr. Speaker, today we bring yet another vitally important piece of legislation to the floor that will provide increases in VA compensation payments to disabled veterans and their survivors.

Mr. Speaker, there are more than 2.3 million disabled veterans or survivors of disabled veterans today receiving compensation who will receive a boost with passage of H.R. 2540, including more than 170,000 veterans rated 100 percent disabled who will get an additional $767 each year added to their existing benefit.

I would note parenthetically in the State of New Jersey there are 3,246 disabled veterans with a rating of 100%, and they, too, will get an additional $767 in benefits.

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Upon enactment of this legislation, all veterans or qualified survivors will get the 2.7 percent COLA. The cost for this will be over $400 million in the first year and $543 million over the next 4 years. In all, the compensation package for the COLA will be $2.5 billion over 5 years.

Another very important component of this bill addresses the lingering effects of service to Persian Gulf War veterans. Many veterans who applied for disability compensation for poorly-defined illnesses found that a beneficial law we adopted in 1994, the Persian Gulf War Veterans Act, had a ''Catch-22.'' If a doctor could diagnose the illness, and the symptoms had not arisen in service or within 1 year, the claim was denied.

Mr. Speaker, there is an evolution occurring in medicine today with respect to so-called chronic multi- symptom illnesses. Some of these illnesses, such as chronic fatigue syndrome, have case definitions that are generally accepted in the medical profession, although their cause and effect and treatment are unknown. Concerned physicians who study and treat many patients with one or more symptoms may not agree that a given set of symptoms fit one case definition or another. At other times, physicians may decide to treat discrete symptoms without reaching a definitive diagnosis. This bill provides the expansion authority; and my good friend and colleague, the gentleman from Idaho (Mr. SIMPSON), the chairman of the Subcommittee on Benefits, will explain this momentarily in greater detail.

Let me also say that this legislation is the work of a tremendous amount of bipartisanship as well as a great deal of work by our respective staffs, and I would like to single out a number of Members. First of all, beginning with my good friend, the ranking member, the gentleman from Illinois (Mr. EVANS), who was instrumental in working on section 2 of this important piece of legislation. He has contributed very constructively to the shaping of this bill.

I would especially like to thank the gentleman from Idaho (Mr. SIMPSON), as I mentioned before, chairman of the Subcommittee on Benefits, and the ranking member of the subcommittee, the gentleman from Texas (Mr. REYES). I would just note that while the gentleman from Idaho is only in his second term and is already a subcommittee chairman, he is not new to policy making. Chairman SIMPSON is an accomplished lawmaker. As I think many of my colleagues know, he served in his State legislature for 14 years. His positions included majority caucus chairman, assistant majority leader in the Idaho House of Representatives; and he served as speaker, for 6 years in the Idaho House of Representatives. He is also a member of the Idaho Republican Party Hall of Fame. We are very fortunate to have him serving as chairman.

Let me also thank some of the other Members who worked on this. The gentleman from Florida (Mr. BILIRAKIS), who helped shape the final outcome of this bill. After markup, some issues remained that were hammered out in a constructive dialogue. There were some lingering issues that needed to be resolved, and he was instrumental in crafting that compromise.

Let me also thank the gentleman from Indiana (Mr. BUYER), a Persian Gulf War vet himself, who worked on this legislation very mightily; the gentleman from Nevada (Mr. GIBBONS), who intended on offering an extension on the bill—a compromise—extends the period by 2 years. I also want to thank the gentleman from Mississippi (Mr. SHOWS); and the gentleman from Illinois (Mr. MANZULLO), the latter who had a major bill on Gulf War vets with multiple cosponsors, in excess of 200, who was also very instrumental in shaping this legislation.

Finally, I want to thank our staff: Jeannie McNally, Darryl Kehrer, Paige McManus, Devon Seibert, Kingston Smith, Summer Larson, and my good friend and chief counsel, Patrick Ryan.

Also the minority staff: Beth Kilker, Debbie Smith, Mary Ellen McCarthy, and Michael Durishin, who worked hard on this bill. I urge support for this important veterans legislation.

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

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

I rise in strong support of H.R. 2540, the Veterans Benefits Act of 2001; and I commend and salute our distinguished chairman of the committee for his leadership in working with the Members on both sides to bring this measure before us today. I join with him in saluting the staff that he has recognized as well.

I also want to recognize the new chairman of the Subcommittee on Benefits, the gentleman from Idaho (Mr. SIMPSON), and the ranking Democratic member of the Subcommittee on Benefits, the gentleman from Texas (Mr. REYES), who contributed to the bill before us today.

In addition, I want to publicly acknowledge the important contributions of the gentleman from New Mexico (Mr. UDALL) and the gentlewoman from California (Mrs. CAPPS) and others to this legislation.

As amended, this resolution contains many provisions important to our veterans, and I will highlight just a few.

The bill provides an annual cost of living adjustment, effective December 1, 2001, to recipients of service-connected disability compensation and dependency and indemnity compensation. It is the obligation of this grateful Nation to preserve the purchasing power of these benefits. This COLA will mirror the COLA received by Social Security recipients.

Section 201 of the bill is the one that I introduced. This section provides a statutory basis for a presumption of service-connection for Vietnam veterans with Type 2 diabetes who were exposed to herbicides. This provision assures our Nation's veterans that this is a benefit based in law.

Section 202 of the bill is based on H.R. 1406, which I introduced. It identifies additional ill-defined or undiagnosed illnesses or illnesses for which service-connection is presumed for Gulf War veterans. Additionally, it lists symptoms or signs that may be associated.

H.R. 2540 authorizes a 2-year pilot program for expanded toll-free access to veterans' benefits counselors. This provision is derived from the recommendations made by the gentleman from Louisiana (Mr. BAKER), a member of the committee, and the gentlewoman from California (Mrs. CAPPS), a Member of good standing; and we appreciate her work.

I am pleased that H.R. 2540 also extends the authority of the VA to make direct home loans to Native Americans who live on trust lands. I want to thank the gentleman from New Mexico (Mr. UDALL) for introducing similar legislation in H.R. 1929.

Again, I want to thank the chairman of the full committee and the chairman and ranking member of the subcommittee for bringing this bill before us today. I urge all our colleagues to support H.R. 2540, as amended.

Mr. Speaker, I rise in strong support of H.R. 2540, the Veterans Benefits Act of 2001. I commend and thank the distinguished Chairman of the Committee, CHRIS SMITH, for his leadership in working with members on both sides of the aisle to bring this measure before us today. I also want to recognize the new Chairman of the Subcommittee on Benefits, Mr. SIMPSON, and the Ranking Democratic Member of the Subcommittee on Benefits, Mr. REYES, who contributed to the bill before us today.

I fully support the cost-of-living increase provided by Title I of H.R. 2540. The purchasing power of the benefits which our veterans have earned must be maintained and not be diminished because basic living expenses have increased. Our Nation's veterans have earned their benefits. It is the obligation of a grateful Nation to preserve the purchasing power of these benefits and pay them in a timely manner.

As a long time supporter of benefits for veterans who have suffered from the effects of exposure to herbicides such as Agent Orange, I welcome VA's recent regulation providing a presumption of service-connection for Vietnam veterans exposed to dioxin who now suffer from diabetes Mellitus, Type 2. This was the right action to take. Now it is time to provide a statutory presumption that makes it clear to veterans that their eligibility is protected as a matter of law. Section 201 of the bill is based on legislation I introduced, H.R. 862. This important step will not result in any additional benefit costs, but will assure our Nation's veterans of their statutory right.

I also strongly support section 202 of the bill, based on H.R. 1406 which I introduced to overturn a narrow and erroneous opinion of the Department of Veterans Affairs (VA) General Counsel. Thousands of veterans who were healthy before their service in Southwest Asia have experienced a variety of unexplained symptoms since going to Southwest Asia. Claims for service-connected compensation filed by Gulf War veterans were originally denied because no single disease entity or syndrome responsible for these illnesses had been identified. In providing for compensation due to undiagnosed illnesses or illnesses which could not be clearly defined, the Congress specifically intended that under Public Law 103–446, veterans be given the benefit of the doubt and provided service-connected compensation benefits. Because of an erroneous Opinion of VA's General Counsel, the law's intent has been frustrated and many veterans have been denied compensation.

As many veterans organizations have noted, both the former Chairman of this Committee [BOB STUMP] and I have criticized VA's interpretation of the term ''undiagnosed illness'' in VA General Counsel Precedent Opinion 8–98 as extremely restrictive. That opinion held that VA is precluded from providing benefits to veterans who develop symptoms after military service and who receive a diagnostic label, such as ''chronic service fatigue syndrome'' even for illnesses which are not clearly defined. Thousands of veterans have had their claims denied because ''chronic fatigue syndrome'' or another diagnostic label such as ''irritable bowel syndrome'' was provided. Other veterans with identical symptoms whose physicians did not attach a diagnostic label have had their claims granted. Such disparate treatment is unfair and unacceptable.

Since there is no known cause for these illnesses and no specific laboratory tests to confirm the diagnosis, as a practical matter VA's ability to provide compensation has been limited to veterans whose symptoms became manifest during active duty or active duty for training or to veterans whose physician indicated that the veterans symptoms were due to an ''undiagnosed'' condition. Section 202 of H.R. 2540 places the emphasis where Congress originally intended by focusing on the symptoms which have had such a disabling affect on the lives of some Gulf War veterans. The bill addresses illnesses which are not clearly defined, rather than illnesses whose etiology is not clearly defined. As Dr. Claudia Miller, an experienced medical researcher testified at the October 26, 1999, hearing of the Subcommittee on Benefits concerning Persian Gulf War Veterans Issues, ''In medicine, we will label something with a name, as you are aware, and call it a diagnosis, but it may not convey what the etiology is. There are very few places in medicine where we say what the etiology is when we give a diagnosis. One of the few is infectious diseases.''

In focusing on the symptoms of poorly defined illnesses, the bill applies to disabilities resulting from what is increasingly referred to in medical research as ''chronic multisymptom illnesses''. (See, ''Chronic Multisymptom Illness Affecting Air Force Veterans of the Gulf War'', Fukuda et al, JAMA 1988; 280:981–988, ''Clinical Risk Communication: Explaining Causality To Gulf War Veterans With Chronic Multisymptom Illnesses'' Engel, Sunrise Symposium (June 25, 1999) (Found at www.deploymenthealth.mil/education/risk comm.doc) and ''Multiple Chemical Sensitivity and Chronic Fatigue Syndrome in British Gulf War Veterans,'' Reid et al, American Journal of Epidemiology, 2001 153:604–609. Veterans must be provided the benefit of the doubt. VA's cost estimate for compensating Gulf veterans who suffer from fibromyalgia, chronic fatigue syndome and irritable bowel syndrome is evidence that claims which Congress intended to recognize in its 1994 legislation are being denied under present law.

The handling of claims based on undiagnosed illnesses continues to be problematic. Current VA policy requires VA to consider symptoms attributed to a diagnosed condition under whatever rating is appropriate and to also give full credence to symptoms which cannot be attributed to any of the diagnosed illnesses. In some cases, adjudicators in VA Regional Offices have failed to follow VA policy. I hope that by expanding the coverage of service-connection to illnesses which cannot be clearly defined, VA adjudicators will make fewer such errors.

I regret that having expended so much of our Nation's resources on a large tax cut, we lack the funding to make this provision effective until April 1, 2002. There is one and only one reason for not making this provision effective upon enactment and even retroactive to the date of the original legislation. Having spent our Nation's ''surplus'' on large tax cuts for the wealthiest Americans, we have to search for nickels and dimes to meet our debt to our Nation's disabled veterans. This is a disgrace, but it is the result with which we are now forced to live.

I understand the concerns raised by those who believe the presumptive period for undiagnosed illnesses should be extended. Except for members of the Guard and Reserve who, though not assigned to the Gulf have suffered adverse effects following the administration of anthrax and other vaccines while on inactive duty for training. I am not aware of any cases where symptoms of undiagnosed illnesses have recently become manifest. I am also not aware of any servicemembers recently assigned to the Gulf having experienced symptoms of undiagnosed illnesses, chronic fatigue syndrome or fibromyalgia. However, because this may exist, I do not oppose the two-year extension of time contained in the Manager's amendment. Although I hope that no disabilities with a long latency period such as cancer or other illnesses will result from Gulf Service, I will support a presumption of service-connection if and when certain disabilities are determined to be more prevalent in Gulf veterans than comparable populations.

Section 203 of H.R. 2540 gives the Secretary of Veterans Affairs the authority to protect the service connection of veterans receiving compensation benefits. Last year, Congresswoman CAPPS and I became aware that VA was having difficulty in recruiting veterans to participate in a VA-sponsored research study concerning the prevalence of Amyotrophic Lateral Sclerosis (ALS or Lou Gehrig's Disease) in Gulf War veterans. Because ALS is such a rare disease, the validity of the study required that as many veterans as possible with this condition be identified. A number of veterans refused to participate in the study because they were currently receiving service connected compensation benefits attributed to an undiagnosed illness. If ALS were to be diagnosed, the veteran would lose those benefits. In response to a joint request from Mrs. CAPPS, Mr. STEARNS, Mr. BILIRAKIS and myself to protect the benefits of the ALS study participants, former Acting Secretary Gober stated in an October 19, 2000, letter, ''there is simply no viable way to provide such protection consistent with existing law and standards of ethnical conduct for Government employees.''

Section 203 of H.R. 2540 is intended to remedy this dilemma and provide the VA with the authority needed to enable veterans to participate in medical research studies, without fear that their benefits will be placed in jeopardy. Absent such authority, there is a very real risk that veterans will be caught in a ''Catch-22'' situation. Without adequate research, it may not be possible to demonstrate an association between service in Southwest Asia and specific rare illnesses experienced by a small number of Gulf War veterans. If the research is inadequate, deserving veterans may be denied compensation. Medical research serves an important humanitarian goal,

by furthering knowledge concerning human diseases and treatment. Veterans who participate in such research, without any likelihood of direct benefit to their own lives, deserve to be protected, not punished, for their humanitarian spirit. By preserving the service connected character of the veteran's disabilities, they and their survivors would qualify for compensation and dependency and indemnity compensation (DIC) benefits.

I am also pleased that the bill addresses concerns expressed by Mrs. CAPPS and Mr. BAKER concerning VA's toll-free telephone service. The proposed pilot project should provide veterans with improved access to VA employees for those questions which cannot be handled by VA's automated telephone system. This is particularly important for the growing population of elderly veterans and survivors, who may have difficulty navigating through the high-tech world of automated telephone systems. I expect that this pilot program will provide us with valuable information concerning VA's ability to handle telephonic inquiries.

Likewise, I strongly support the provisions in H.R. 2540 that are derived from H.R. 1929 introduced by TOM UDALL and myself to extend the pilot program providing direct home loans to veterans residing on tribal lands. It is critical that this Congress continued to recognize the important differences between homes on tribal land and conventional home loans under Anglo-American legal principles of real property. This bill provides another home ownership option to Native American veterans residing on tribal lands.

H.R. 2540 also contains provisions derived from H.R. 2222, introduced by Mr. FILNER and H.R. 2359, introduced by Chairman SMITH and myself. VA should not be holding monies which could be distributed to the beneficiaries or heirs of a veteran when the primary beneficiary cannot be located. VA should make every effort to assure that the rightful or equitable beneficiaries of these interests receive the funds to which they are entitled.

Section 406 of H.R. 2540 would eliminate the requirement that veterans filing an appeal with the U.S. Court of Appeals for Veterans Claims also notify the VA. This requirement has apparently caused confusion among appellants and caused some to be denied their right to appeal a decision to the court in a timely manner. Since current court rules require the U.S. Court of Appeals for Veterans Claims to notify the Secretary of Veterans Affairs when an appeal is documented, sufficient notice would be provided to the Secretary with the elimination of this requirement.

I thank the Chairman and Ranking Member of the Subcommittee for bringing this bill forward and urge all members to support H.R. 2540.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the gentleman from Idaho (Mr. SIMPSON), the distinguished chairman of the Subcommittee on Benefits.

Mr. SIMPSON. Mr. Speaker, I thank the gentleman for yielding me this time and for his kinds words; and I am proud to rise in support of H.R. 2540, the Veterans Benefits Act of 2001. This bill comprises several of the bills we took testimony on in the Subcommittee on Benefits on July 10 as well as administrative provisions affecting the Court of Appeals for Veterans Claims, all of which we marked up in subcommittee on July 12.

I will briefly outline the various provisions of the bill, which makes an array of improvements to veterans benefits programs.

Title I would provide a cost of living adjustment, already mentioned, effective December 1, 2001, to the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation. As the committee has done in the past, the rate of increase will be the same as the Social Security COLA increase.

On July 9, the Department of Veterans Affairs issued final rules adding Type 2 diabetes to the regulatory list of service-connected illnesses presumed to be associated with exposures to the herbicide agents in Vietnam. VA based its decision on recent findings by the National Academy of Sciences. Section 201 of this bill codifies the VA regulations.

The remaining sections of title 2 addresses issues unique to Persian Gulf War veterans. They indeed are selfless individuals who went into harm's way to fight tyranny. About 12,000 of our 714,000 service members who served in the Gulf suffer from hard-to-diagnose illnesses.

Section 202 would expand the definition of undiagnosed illnesses to include fibromyalgia, chronic fatigue syndrome, and chronic multi-symptom illnesses for the statutory presumption of service connection, as well as for other illnesses that cannot be clearly defined. This section also lists signs and symptoms that may be a manifestation of an undiagnosed illness.

I would like to take this opportunity to thank the gentleman from Illinois (Mr. MANZULLO), the gentleman from Mississippi (Mr. SHOWS), and the gentleman from Florida (Mr. BILIRAKIS) for their work, and the gentleman from Texas (Mr. REYES) for working with me on this provision.

Section 203 would grant the Secretary the authority to protect the service-connected grant of a Persian Gulf war veteran who participates in a Department-sponsored medical research project. It is the committee's intention that this provision will broaden participation in vital scientific and medical studies.

Section 204 would expand to December 31, 2003 the presumptive period for providing compensation to veterans with undiagnosed illnesses. This authority expires at the end of this year. And I would like to thank the gentleman from Florida (Mr. GIBBONS) and the gentleman from Indiana (Mr. BUYER) for their work with us on this issue.

Title 3 would provide greater administrative flexibility to the U.S. Court of Appeals for Veterans Claims so that registration fees paid to the court might be used in connection with practitioner disciplinary proceedings and in support of bench and bar and veterans' law educational activities. Title 3 also authorizes the collection of registration fees for other court-sponsored activities where appropriate.

Section 401 would give the VA the authority to make a payment of life insurance proceedings to an alternate beneficiary when the primary beneficiary cannot be located within 3 years. Currently, there is no time limitation for the first-named beneficiary of a national service life insurance or United States Government life insurance policy to file a claim. As a result, VA is required to hold the unclaimed funds indefinitely. Section 402 would extend the copayment requirement for a VA outpatient prescription medication to September 30, 2006 from September 30, 2002.

Section 403 would make the availability of funds from VA's Health Services Improvement Fund subject to the provisions of the appropriations acts.

Section 404 would extend the Native Americans Veteran Housing Loan Pilot program to 2005.

Section 405 would modify the loan assumption notice requirement.

Section 406 would eliminate the need for a claimant to send a copy of a notice of appeal to the Secretary. Removal of this notice requirement would not impair VA's ability to receive notice of the filing of an appeal and to respond to those who are properly filed with the court.

Finally, section 407 would establish a 2-year nationwide pilot program requiring the Secretary to expand the available hours of the VA's 1–800 toll-free information service and to assess the extent to which demands for such service exists. This pilot would provide information on veterans benefits and services administered by all Federal departments and agencies.

I would like to thank the gentleman from Louisiana (Mr. BAKER) and his staff for working with the subcommittee on this provision, along with the gentlewoman from California (Mrs. CAPPS) for her testimony that she submitted at the subcommittee's July 10 hearing.

Mr. Speaker, I also want to thank a real gentleman, the gentleman from Texas (Mr. REYES), the ranking member of the Subcommittee on Benefits, for his support and counsel in my first few weeks as chairman of this subcommittee.

Lastly, we would not be considering this bill if it were not for the wisdom and foresight of the gentleman from New Jersey (Mr. SMITH), chairman of the full committee, and the ranking member, the gentleman from Illinois

(Mr. EVANS). These two gentlemen have served together on the Committee on Veterans' Affairs for some 20 years, and I appreciate their leadership.

Mr. Speaker, H.R. 2540 is a strong bill; and I urge my colleagues support of it.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. REYES).

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

As an original cosponsor and strong supporter of H.R. 2540, the Veterans Benefits Act of 2001, I am pleased that we are moving forward to assure a cost of living increase for our Nation's disabled veterans and their families, and the other benefits provided in this legislation as well. The sooner the benefits provided in this bill can be enacted into law, I believe the better.

I want to acknowledge the cooperation of our chairman and ranking member, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS), as well as our new subcommittee chair, the gentleman from Idaho (Mr. SIMPSON), in moving this bill forward. I appreciate their commitment and leadership to the benefits accorded to our veterans.

I want to highlight the provisions addressing the needs of Gulf War veterans. A new report of the Institute of Medicine acknowledges that symptoms experienced by Gulf War veterans have a significant degree of overlap with symptoms of patients diagnosed with conditions such as fibromyalgia, chronic fatigue syndrome, and irritable bowel syndrome.

When legislation was originally passed to provide service-connected compensation benefits to our Nation's Gulf War veterans, it was the intent of Congress that those who were experiencing these symptoms, such as fatigue, joint pain, and others noted in the recent IOM report, would be compensated. Unfortunately, VA's General Counsel ruled that only veterans whose symptoms did not carry a diagnostic label would be compensated. Currently, VA's ability to receive compensation depends on the happenstance of whether or not the examining physician attributes a diagnostic label to the symptoms. This is unfair to our Nation's veterans and must be changed.

The Gulf War provisions of H.R. 2540 place the emphasis where it was originally intended by focusing on the symptoms experienced by Gulf War veterans rather than a particular label which may be attributed to them. The term chronic multi-symptom illness is intended to include veterans who experience more than one symptom lasting at least 6 months. It is my understanding that thousands of Gulf War veterans have had claims denied because their symptoms were attributed to a diagnosis of chronic fatigue syndrome. Most of these war veterans would be eligible for benefits provided by this bill as of April 1, 2002.

I deeply regret that the large tax cut recently signed into law leaves no funds available to make this provision effective any sooner. I would prefer that this bill provide those benefits and be effective as of November 2, 1994, when the original law was passed.

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Nonetheless, I recognize that under the financial constraints that we must now live with, there is no money to provide for an earlier effective date. Sick Gulf War veterans deserve the compensation provided by this bill.

Mr. Speaker, I would also like to state that I support the manager's amendment extending until December 31, 2003, the period in which Gulf War veterans may manifest symptoms qualifying for compensation as an undiagnosed illness. The measure before us moves us towards the goal of meeting the needs of our sick Gulf War veterans in a responsible manner.

Again, I want to thank the chairman, the ranking member and the chair of the Subcommittee on Benefits for their leadership and their vision to our Nation's veterans.

H.R. 2540 is a good bill and I urge all the Members to support it.

Mr. SMITH of New Jersey. Mr. Speaker, because of great interest and the number of speakers on H.R. 2540, I ask unanimous consent that we have an additional 10 minutes equally divided between the majority and minority.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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

Mr. BUYER. Mr. Speaker, I rise in strong support of the Veterans Benefits Act of 2001. I also wish to extend my compliments to the chairman, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. Evans); also the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Texas (Mr. REYES) and also recognition to my Gulf War comrade, the gentleman from Nevada (Mr. GIBBONS).

I am especially pleased with the compensation provision for Vietnam and Gulf War veterans. For too long the Vietnam veterans have been waiting for VA to recognize illnesses like diabetes melitus for compensation and pension benefits.

I also clearly recall as a freshman in this Chamber in the 103rd Congress, it having only been a few months since I returned from the Persian Gulf, having to fight for my colleagues just to receive their medical attention as a result of military service.

The concerns and appreciation of the country for their service was real, but the medical science to link causation to service in the Gulf War was severely lacking.

In 1994, I recall Joe Kennedy and the gentleman from Illinois (Mr. EVANS) and myself introducing something very radical. It was called compensation for an undiagnosed illness. As we were downsizing the military, we wanted to make sure that these Gulf War veterans received their medical attention, yet they were also in economic dire straits. So we also wanted to make sure their families were taken care of as we then focused and put millions of dollars into medical research to press the bounds of science.

The VA then struggled with our initiatives. What they then learned was, simply put, that the VA over the last several years has narrowly interpreted congressional intent to provide for sick veterans with disability compensation that they so dearly earned and should receive.

The VA failed to consider illnesses like fibromyalgia, chronic fatigue syndrome, and chronic multisymptom illnesses and other illnesses that cannot be clearly defined as having been attributed to service in the Persian Gulf.

I am especially pleased that this bill will include a list of symptoms that the VA must recognize as being a manifestation of an undiagnosed illness.

This bill will help clarify Congress's intent with regards to the benefits of sick Persian Gulf War veterans. I fully support this bill and look forward to referring the measure to the Senate.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the Chair and the ranking member for bringing us H.R. 2540, the Veterans Benefit Act. I would like to briefly call attention to another provision which will provide fairness for our Nation's veterans.

The VA currently holds about 4,000 national life insurance and U.S. Government life insurance policies valued at about $23 million on which payment has not been made. Why is this? Because the VA has been unable to locate the person identified as the beneficiary following the death of the veteran.

I introduced recently a bill, H.R. 2222, regarding this problem, and I am pleased that this provision to permit the VA to pay an alternate beneficiary, if the primary beneficiary cannot be located within 3 years of the death of the insured veteran, has been included in H.R. 2540. I know this provision will benefit the families of many, many, many veterans.

I also support the expanded definition which will allow Gulf War veterans to obtain service-connected compensation for chronic multisymptom illnesses such as chronic fatigue syndrome.

Like the gentleman from Texas (Mr. REYES) before me, I am upset that the

provisions must be delayed until April 1, 2002. Once again, the reason for this is because this Congress enacted a tax plan first, before the budget. So we have to live within the context of a budget which was greatly restricted and restrained to us. So having spent this surplus, we are unable to promptly pay our debt to our Nation's Gulf War veterans. I find this deplorable, but we are under these congressional rules.

Of course, because this bill improves benefits for our veterans, I urge my colleagues to vote for H.R. 2540. I thank the chairman for another strong bill.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, 10 years ago a patriot from Freeport, Illinois, named Dan Steele went off to war in Iraq to fight for the American people and protect the freedoms this country has known for more than 200 years.

During the buildup in the Gulf, Dan's leg was fractured by an Iraqi soldier's apparent suicide attack. Over the next 8 years, Dan suffered from various conditions shared by many in the Gulf War.

In May of 1999, Dan succumbed to his illnesses and passed away. The county coroner listed ''Gulf War Syndrome'' as a secondary cause on his death certificate.

Shortly after Dan's funeral, I dispatched Al Pennimen, a retired judge on my staff, to contact his widow, Donna. She vowed to Dan to do whatever she could to help other Gulf War veterans suffering from mysterious ailments. Her story moved me to introduce legislation, H.R. 612, that now has the support of over 225 Members of Congress. A companion bill has been introduced in the Senate by Senator KAY BAILEY HUTCHINSON. I am pleased to announce that significant portions of H.R. 612 are included in this benefits package today.

I thank the gentleman from New Jersey (Mr. SMITH) and members of the Committee on Veterans Affairs for strengthening the part of the bill that provides enhanced benefits for ailing Gulf War veterans. These provisions will allow more sick veterans to qualify for compensation by expanding the list of eligible illnesses, adding strong report language on multiple chemical sensitivity, codifying 13 possible symptoms, and extending by 2 years the time period during which these symptoms may arise.

Mr. Speaker, I urge my colleagues to vote in favor of H.R. 2540. It goes a long way towards fulfilling the promises we have made to our veterans.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I am proud to be a member of the Committee on Veterans Affairs and to show my strong support for H.R. 2540, the Veterans Benefits Act of 2001. This important legislation will take meaningful action to improve benefits our Nation's veterans have earned. As my colleagues know, we have been concerned about the appalling 75 percent rate at which Gulf War veterans suffering from undiagnosed illnesses have been denied compensation from the VA.

Earlier this year, I introduced H.R. 612, the Persian Gulf War Compensation Act of 2001 with two other outstanding advocates for veterans, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from California (Mr. GALLEGLY). This legislation garnered strong bipartisan support from over 225 Members of Congress. I am pleased to say that the gentleman from New Jersey (Mr. SMITH), the gentleman from Illinois (Mr. EVANS) and my fellow subcommittee members helped us on some provisions in this bill that are key to provisions in H.R. 612.

The Veterans Benefit Act of 2001 will now clarify VA standards for compensation by recognizing fibromyalgia, chronic fatigue syndrome, multiple chemical sensitivity, and other ailments, or poorly defined illnesses associated with Gulf War service.

Additionally, this bill extends the presumptive period for undiagnosed illnesses to December 31, 2003. This is a true victory for the veteran.

Mr. Speaker, these veterans put their lives on the line to protect, defend and advance ideals of democracy, and our American way of life by serving the United States military. They answered the call. We have a duty to answer them. Vote for this bill. It is the right thing to do.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Speaker, all too often we pick up the telephone and dial a 1–800 number or dial a business enterprise and we are, by computer, referenced from department to department to department, and often are not even able to communicate with another human being to get an answer to our very simple question.

Most of us see that simply as an aggravation, but when it happens to a veteran of military service when calling on his country to have a question answered, it is an insult. That is why I am grateful for the inclusion of a pilot program for 2 years which makes an effort to have a 1–800 veterans number. Amazingly, we will have a human being on the end of that phone. It is a long overdue service, and I think we should explore the potentials. It may be fraught with difficulty and difficult to perfect, but there is one thing that is for sure: The veterans who have given to this country are at least deserving of respectful treatment.

Mr. Speaker, I thank my colleagues for taking this step towards what I think is an appropriate action for the veterans of our country.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, while we have a long way to go, the Veterans Benefit Act is a step in the right direction. The compensation legislation before us would streamline the rating system of certain service-connected illnesses, as well as provide a cost-of-living adjustment to those receiving disability compensation benefits.

As a member of the committee, I am proud to join the bipartisan efforts to improve the quality and deliver the veterans benefits program. Veterans should not be left wondering if the Federal Government is going to fulfill its promise. Those who have received service-connected disability benefits can expect a cost-of-living benefit. So can their survivors. For Vietnam veterans who were exposed to Agent Orange and now suffer from diabetes, the Veterans Benefit Act acknowledges their entitlement to service-connected disabilities benefits.

In addition, Gulf War veterans suffering from ill-defined illnesses which modern medical technology cannot really diagnose, the Veterans Benefit Act will likewise extend the presumption of service connections. Veterans who suffer from disabilities should not be abandoned and their disabilities should not be ignored simply because doctors cannot diagnose the causes.

Finally, I am supportive of a 2-year nationwide pilot program to include in the bill expansion of the availability of hours of the VA 1–800 toll-free information service. Veterans worked around the clock for us, and they deserve for us to do the same for them. Our freedoms did not come free, and for veterans the physical and psychological wounds of the war do not go away.

I want to take this opportunity to thank the gentleman from New Jersey (Mr. SMITH) for his hard work, and that of my distinguished colleague, the gentleman from Illinois (Mr. EVANS), the ranking member.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PICKERING), who carries on the tradition of our former chairman, Mr. Montgomery.

Mr. PICKERING. Mr. Speaker, I rise in strong support of H.R. 2540, the Veterans Benefit Act. Today we have 250,000 veterans in Mississippi; 54,000 are World War II veterans, 77,000 are Vietnam veterans, 39,000 served in Korea, and 33,000 are Gulf War vets. This bill provides them compensation benefits and COLA.

It recognizes the 33,000 Gulf War veterans and gives them an extension of the presumptive period to recognize the mysterious illnesses that they returned with, and provides them we hope with the care they have so richly earned.

It provides for a great new pilot program to provide information, as the gentleman from Louisiana (Mr. BAKER) mentioned, a voice-to-voice, a person-to-person providing the care they need to get the care they deserve.

Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. SMITH) for his leadership. He has been aggressive and assertive in representing veterans across this country and in my State of Mississippi.

Secretary Principi has done a tremendous job. We are making progress because we know to recruit and retain the young people today in our military force, we must show the care and the commitment, the respect and the appreciation to the veterans who served yesterday.

This bill, along with H.R. 1291, the Montgomery GI bill, is a significant step in the right direction, and for that I give great support and commendation to the committee and to the chairman and to the other Members and to this bill.

□ 1300

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of this bill. I want to thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) for their leadership on this important legislation.

I wish to highlight a couple of provisions contained in H.R. 2540 that I have worked on for some time. The first provision would end a Catch-22 faced by vets and VA researchers. Currently vets can lose benefits for an ''undiagnosed illness'' if participation in a VA study determines the illness and it is not service connected. This issue was brought to my attention last year. VA researchers told me of concerns that some vets might not participate in an ongoing study to look at possible connections between Gulf War service and Lou Gehrig's disease. I learned that some vets feared losing needed benefits by participating in the study. This lack of participation could compromise an important study that could benefit vets and all people suffering from Lou Gehrig's disease. H.R. 2540 fixes this problem by letting VA protect compensation in such cases. This provision is based on a bill the gentleman from Illinois (Mr. EVANS) and I introduced earlier this year.

H.R. 2540 also contains provisions to temporarily expand hours for VA's toll-free information lines to at least 12 hours a day Monday through Friday and 6 hours on Saturday. I have a lot of interest in this subject having introduced legislation for the last 2 years which would operate information lines 24 hours a day, 7 days a week. My bill would also get the information line to include crisis intervention services. I am very pleased that the committee has included provisions to keep this information line open longer hours. It will make it easier for vets to get information on the benefits that they have earned. I look forward to working with the committee as we follow up on this important pilot program.

I urge my colleagues to support this bill.

Mr. Speaker, I rise today in strong support of H.R. 2540, the Veterans Benefits act of 2001. As an original cosponsor, I am proud to speak on behalf of this important legislation.

First, I would like to thank Mr. SIMPSON, the Chairman of the Subcommittee on Benefits and Mr. REYES, the Ranking Member for their excellent leadership on the issue of improving services for our nation's veterans. I would also like to commend Mr. SMITH, Chairman of the full Committee and Mr. EVANS, the Ranking Member for their leadership.

This bill offers several important initiatives to improve the lives of our veterans. I am especially pleased about the inclusion of the provisions in Sec. 203 and Sec. 407. I am pleased to have worked closely with the Subcommittee on these two critical areas.

Sec. 203 would eliminate a classic ''Catch-22'' situation faced by our veterans and the VA in medical research studies and is based on legislation, H.R. 1406, the Gulf War Undiagnosed Illness Act of 2001, Representative Evans and I introduced earlier this year. Under the current scenario, veterans who are being compensated on the basis of an ''undiagnosed illness'' and who participate in a VA-sponsored medical research study, could lose their benefits if they are ''diagnosed'' with a non-service related condition during the course of the study.

Last year, VA personnel told me about their concerns that if veterans declined to participate in a study because of the risk of losing benefits, the data may be insufficient and render the study unusable. These concerns were raised in connection with a study being done last year to determine a possible connection between ALS and service in the Gulf War.

This legislation would give the VA the authority to protect compensation for undiagnosed illnesses when the VA determines that such protection is needed to ensure adequate participation by veterans in VA-sponsored medical research. This guarantee is particularly important for research that requires a high level of participation to achieve valid findings. I would again like to commend Ranking Member EVANS for his leadership in this area.

Sec. 407 of this bill establishes a pilot program at the VA to expand access to veterans benefits counselors. Under the bill, the hours would be expanded to no less than 12 hours a day, Monday through Friday and no less than six hours on Saturday. This expansion of access is essential to provide our veterans with the services that they richly deserve.

I am proud to have authored H.R. 1435, the Veterans Emergency Telephone Service Act of 2001. This bill would address the pressing need of some of our nation's veterans for 24 hour access to crisis intervention services.

By virtue of their service and sacrifice on behalf of this nation, our veterans deserve the very best support services we can provide. Such moments don't always occur during business hours, Monday through Friday. The bill before us takes critical steps to fulfill our obligation to our veterans.

I look forward to continuing to work closely with the Committee on ways in which veterans' access to telephone service can be improved and expanded even more in its hours of availability and the services offered. I strongly urge an aye vote on H.R. 2540.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN), the chairman emeritus of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time. I am pleased to rise today in strong support of H.R. 2540, the Veterans Benefits Act of 2001. I ask our colleagues to join in full support of this important legislation.

Mr. Speaker, the House typically passes a general veterans benefits bill each year. H.R. 2540 represents this year's benefit legislation providing several important improvements to existing programs. I want to thank the distinguished gentleman from New Jersey (Mr. SMITH) for all the good work he is doing for our veterans throughout the country.

First, this bill provides for the annual cost-of-living adjustment to the rates of disability compensation for those veterans with service-connected disabilities. This new rate will go into effect in December of this year. Congress has approved an annual cost-of-living adjustment to these veterans and survivors since 1976.

Second, this legislation adds type II diabetes to the list of diseases presumed to be service connected in Vietnam veterans exposed to herbicide agents. It also greatly extends the definition of undiagnosed illnesses for Persian Gulf War veterans and authorizes the Secretary of Veterans Affairs to protect the grant of service connection of Gulf War veterans who participate in VA-sponsored medical research projects. These are long overdue benefits. It also extends the presumptive period for providing compensation to Persian Gulf veterans with undiagnosed illnesses to December 31, 2003.

Mr. Speaker, many of our veterans from the Vietnam and Gulf Wars went years suffering from undiagnosed ailments while receiving neither recognition nor treatment from the veterans health care system. During the past 10 years, the Congress made great strides in recognizing the special circumstances surrounding the post-service experiences of these veterans. This bill is an extension of that process. For that reason, I urge its adoption by the House. I want to thank the gentleman from New Jersey again for his dedicated service to the veterans of our Nation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would like to laud my colleagues on both sides of the aisle. Veterans issues are very important. Both sides of the aisle support this bill very well. But every once in a while we have got people that just cannot stop themselves from partisan shots, and they need to be answered.

The gentleman from California said there is not enough money for veterans because we spent the surplus in tax relief. First of all, surplus is defined as the amount of money above what it needs to run the Government with a 4 to 6 percent increase. That is what this committee has done.

Secondly, the 124 deployments, $200 billion cost destroying our military and our ability to fund things like the veterans, $200 billion under the peacekeeping deployments of Bill Clinton. Recently, the ranking minority member says, ''Well, this is a good step but we have got a long way to go.'' The gentleman from Missouri, the minority leader, recently said that raising taxes in 1993, he was proud of it when the Democrats had control of the White House, the House and the Senate, and he would do it again.

I think it is right to point out what those taxes were. The first part of those taxes were to cut the COLAs of the veterans. The second part was to cut the COLAs of the military. That is the wrong direction. The third was to increase the tax on the middle class which affected military and the veterans. The fourth was to increase taxes on Social Security and then take every dime out of the Social Security Trust Fund which raises the debt which veterans and military have to pay for.

So yes, I think we are going in the right direction. We do have a long way to go. Let us analyze what is the reason why we do not have the dollars to put forward that we really need. We have had 124 deployments taxing our veterans and our military. That is why I laud both sides of the aisle now for increasing those funds.

Mr. BILIRAKIS. Mr. Speaker, as an original sponsor, I rise in strong support of H.R. 2540, the Veterans' Benefits Act of 2001.

One of the most important bills the Congress approves each year is legislation providing disabled veterans an annual cost-of-living adjustment (COLA). H.R. 2540 provides a COLA, effective December 1, 2001, to disabled veterans and the surviving spouses of veterans who are receiving Dependency and Indemnity Compensation (DIC). As in previous years, these deserving men and women will receive the same COLA that Social Security recipients will receive. I am pleased that we are acting to provide disabled veterans and their survivors with an annual COLA.

The bill makes a number of other benefits improvements, including the addition of Diabetes Mellitus (Type 2) to the list of diseases presumed to be service-connected in Vietnam veterans exposed to herbicide agents. The bill also requires the Secretary of Veterans' Affairs to establish a two-year nationwide pilot program to expand the VA's 1–800 toll-free information service to include information on all federal veterans' benefits and veterans' benefits administered by each state.

The legislation also contains provisions affecting compensation for Persian Gulf veterans. Specifically, the bill expands the definition of undiagnosed illnesses for Persian Gulf veterans to include fibromyalgia, chronic fatigue syndrome and chronic multi-symptom illness for the statutory presumption of service-connection. The legislation also extends the presumptive period for Persian Gulf illnesses, which is scheduled to expire at the end of this year, until December 31, 2003.

When Veterans' Affairs Committee considered H.R. 2540, Members of the Committee had some concerns about the provisions pertaining to Persian Gulf veterans. I was pleased that we were able to sit down and work out these differences so the House could proceed with this important legislation.

I urge my colleagues to support the Veterans' Benefits Act of 2001.

Mr. GALLEGLY. Mr. Speaker, I rise in support of the Veterans Benefits Act of 2001, a measure that will improve veterans' benefits, especially for our veterans who became ill as a result of their service in the Gulf War.

Mr. Speaker, I am pleased to say that the Veterans Benefits Act of 2001 contains many important provisions from H.R. 612—the Persian Gulf War Illness Compensation Act—which I introduced with my colleagues Congressmen DON MANZULLO and RONNIE SHOWS.

Since the end of the Gulf War, the Veterans Administration has denied nearly 80 percent of all sick Gulf War veterans' claims for compensation. In the view of many, including the National Gulf War Resource Center, the Veterans' Administration has employed too strict a standard for diagnosing Gulf War Illness.

In response, the Veterans Benefits Act includes a critical two-year extension for Gulf War veterans to report and be compensated for Gulf War Illness. In addition, the bill includes a comprehensive list of symptoms that constitute Gulf War Illness. The measure also expands the definition of undiagnosed illness to include fibromyalgia and chronic fatigue syndrome as diseases that are compensatible, diseases often mistakenly attributed to Gulf War veterans.

I want to personally thank Chairman SMITH and the members of the Veterans' Affairs Committee in working with me and Congressmen MANZULLO and SHOWS in getting this critical language included in this bill. When we move into conference, I hope that we continue to work to strengthen some of these provisions, including further extending the date of Gulf War veteran can be compensated for Gulf War related symptoms.

As one of the original cosponsors of the 1991 resolution to authorize then-President Bush to use force in the Persian Gulf, I believe we must go the extra mile to take care of the men and women who went to war against Iraqi dictator Saddam Hussein and are now suffering from these unexplained and devastating ailments.

Many of those suffering from Gulf War Illness were Reservists and National Guardsmen uprooted from their families and jobs. They answered the call, and we have a duty to help them. I urge my colleagues to vote for this important measure.

Mr. UDALL of New Mexico. Mr. Speaker, I strongly support H.R. 2540, the Veterans Benefits Act of 2001.

This legislation provides an important annual cost-of-living adjustment for disabled veterans, as well as surviving spouses of veteran's who receive dependency and indemnity compensation. H.R. 2540 also makes a number of important changes to improve insurance, compensation, and housing programs for our nation's veterans.

I want to thank Chairman SMITH, Ranking Member EVANS, and my colleagues on the Veterans' Affairs Committee for supporting the inclusion of provisions from H.R. 1929, the Native American Veterans Home Loan Act of 2001, in H.R. 2540. Ranking Member EVANS, fourteen other Members and I introduced H.R. 1929 on May 21st of this year to extend the Native American Veterans Home Loan Pilot Program for another four years, and expedite the process of obtaining VA home loans for Native American Veterans living on tribal and trust lands. This program helps many Native Americans Veterans who might otherwise be unable to obtain suitable housing. Including the important provisions of H.R. 1929 in H.R. 2540 will allow other Native American Veterans to take advantage of this important program.

The Native American Veterans Home Loan Pilot Program, however, is just one of many VA benefits improved through H.R. 2540. I ask my colleagues to join me in support of these important benefit enhancements for the men and women who have sacrificed so much in defense of liberty and democracy.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I thank all of my colleagues for their participation in this debate in helping to craft what I think is a very worthwhile bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2540, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2505, HUMAN CLONING PROHIBITION ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 214 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 214

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2505) to amend title 18, United States Code, to prohibit human cloning. The bill shall be considered as read for amendment. The amendments recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Scott of Virginia or his designee, which shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; (3) after disposition of the amendment by Representative Scott, the further amendment in the nature of a substitute printed in the report of the Committee on Rules, if offered by Representative Greenwood of Pennsylvania or his designee, shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

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

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

Mr. Speaker, yesterday the Committee on Rules met and granted a structured rule for H.R. 2505, the Human Cloning Prohibition Act. The rule provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against the bill. The rule provides that the amendments recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The rule makes in order the amendment printed in the Rules Committee report accompanying the rule if offered by the gentleman from Virginia (Mr. SCOTT) or a designee which shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent. The rule makes in order after disposition of the Scott amendment the further amendment in the nature of a substitute printed in the Rules Committee report accompanying the rule if offered by the gentleman from Pennsylvania (Mr. GREENWOOD) or a designee, which shall be considered as read and shall be separately debatable for 1 hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment in the nature of a substitute printed in the report. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair rule which will permit a thorough discussion of all the relevant issues. In fact, Members came before the Committee on Rules yesterday and testified on two amendments. This rule allows for both of those amendments to be heard. The first of these amendments is the Greenwood substitute which allows human cloning for medical purposes. I oppose the Greenwood amendment because it is wrong to create human embryo farms, even for scientific research. The Committee on Rules, though, recognizes that the gentleman from Pennsylvania's proposal is the leading alternative to a ban on human cloning. Because we are aiming for a fair and thorough debate, we should make it in order on the House floor.

The second amendment is a proposal by the gentleman from Virginia (Mr. SCOTT) to fund a study on human cloning. Again because the Committee on Rules recognizes the importance of this issue and wants a fair and open debate, we have decided that the gentleman from Virginia's study deserves House consideration.

Mr. Speaker, as the gentleman from Florida (Mr. HASTINGS) said in our Rules Committee meeting yesterday, this is an extremely important and a very complex issue.

□ 1315

Science is on the verge of cloning human embryos for both medical and reproductive purposes. Congress cannot face a weightier issue than the ethics of human cloning, and Congress should not run away from this problem. It is our job to address such pressing moral dilemmas, and it is our job to do so in a deliberative way. We do so today.

This bill and this rule represent the best of Congress. The Committee on the Judiciary held days of hearings on the Human Cloning Prohibition Act, with the Nation's leading scientists and ethicists. Today, this rule allows for floor consideration of the two most important challenges to the human cloning bill of the gentleman from Florida (Mr. WELDON.) If we wait to act, human cloning will go forward unregulated, with frightening and ghoulish consequences.

I have spent a lot of time considering this issue, because it is so complex; and I have decided to vote to ban human cloning. It is simply wrong to clone human beings. It is wrong to create fully grown tailor-made cloned babies, and it is wrong to clone human embryos to experiment on and destroy them. Anything other than a ban on human cloning would license the most ghoulish and dangerous enterprise in human history.

Some of us can still remember how the world was repulsed during and after World War II by the experiments conducted by the Nazis in the war. How is this different?

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

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

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

Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the customary 30 minutes.

Mr. Speaker, I will be blunt: This is a bad bill and a bad rule. This is Congress again playing scientist, and I urge defeat of the rule and defeat of the underlying bill in its current form.

In its efforts to address the issue of human cloning, my colleague, the gentleman from Florida (Mr. WELDON) has managed to duplicate the controversy arising from the administration's debate over whether to ban federally funded stem cell research.

Mr. Speaker, there is a strong consensus in Congress that the cloning of human beings should be prohibited. For many people, the prospect of human cloning raises a specter of eugenics and genetic manipulation of traits like eye color or intelligence, and none of us want to see these types of abuses. Yet H.R. 2505 and its excessive fear of science and the possibilities of scientific research attempts to deprive the American people of their hope for cures and their faith in the power of human discovery.

The Human Cloning Prohibition Act goes far beyond a ban on cloning of an individual known as reproductive cloning. This legislation actually also bans stem cell research and, finally, would prohibit the importation of products that are developed through this kind of research.

As a former scientist, I am profoundly concerned about the impact this proposal would have on our Nation's biotechnical industry. If we ban stem cell research, we risk ceding the field of medical research to other nations. Top scientists in the field are already leaving the United States due to the mere threat that this type of research may be banned.

If H.R. 2505 is passed, we must accept the fact that preeminent scientists, and, indeed, entire research facilities

will move overseas, in order to pursue their studies. If we stifle our Nation's research efforts, patients will suffer as well.

This research holds the potential to treat diseases that afflict millions of Americans, including diabetes, cancer, heart disease, stroke, Parkinson's, Alzheimer's, brain or spinal cord injury or multiple sclerosis. If scientists overseas were to develop a cure for cancer using stem cells from a cloned embryo, Americans would be banned from taking advantage of that cure here in the United States because we could not import it. Surely we should not deny our constituents access to life-saving cures.

Moreover, we should be prepared for the evolution of two classes of patients, those with the resources to travel abroad to receive the cure and those who are too poor and must therefore stay in the United States to grow sicker and die.

Fortunately, we have before us a balanced responsible alternative, the substitute offered by our colleagues, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Florida (Mr. DEUTSCH).

The House of Representatives stands today at a crossroads in our support for scientific endeavors.

Mr. Speaker, we really should not be debating this at all. None of us is equipped to do so. We simply do not know enough, and for this House to take the step that we are about to take today is unconscionable.

We must not allow our fears about research to overwhelm our hopes for curing disease. We must not isolate this Nation from the rest of the scientific world by banning therapeutic cloning.

Make no mistake, we are sailing into unchartered waters. Our decision here today could have consequences for generations to come.

Under this inadequate rule, the majority is giving us a meager 2 hours to hold this momentous debate. So I urge my colleagues to vote no on the rule and no on H.R. 2505.

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

Mrs. MYRICK. Mr. Speaker, I yield 7 minutes to the gentleman from Florida (Mr. WELDON), the sponsor of this bill.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding me time. I rise obviously to speak in support of this rule and in support of my underlying bill and in opposition to the substitute.

Mr. Speaker, I would like to begin by just talking a little bit about the basic science of all of this. What is shown on this poster to my left is a normal fertilization of an egg. Normal human cells have 46 chromosomes; the egg has 23, the sperm has 23. When united, they become a fertilized egg, which then begins to differentiate into an embryo. Here is depicted a 3-day embryo and then a 7-day embryo.

Under the technique called somatic cell nuclear transfer, you take a cell from somebody's body. This could be a skin cell, depicted here. You extract the nucleus out, which is shown here. Then you take a female egg, a woman's egg. You remove the nucleus that was in there, which is shown here being discarded with the 23 chromosomes, so you have an enucleated egg. Then you implant that nucleus in there. This becomes a clone of the individual who donated this cell. From this point on, it begins to develop like a normal embryo.

Now, there will be some discussion today, I anticipate, where people will try to assert that this is not a human embryo; that this somehow is, and this is somehow not a human embryo.

I studied embryology in medical school. I am a physician. I practiced medicine for 15 years. Indeed, I brought my medical school embryology textbook, and I would defy anybody in this body to tell me what the science behind making the assertion that this is not a human embryo. There is absolutely no basis in science to make such a claim.

This technique, which we are banning in humans, is how Dolly was created. They took a cell from the udder of a sheep; then they took a sheep's egg, removed the nucleus, took the nucleus out of this cell and put it in that egg depicted right there. Then it was put in tissue culture, where it became a more developed embryo, and then it was implanted in another sheep to create Dolly.

Now, to assert that a human embryo created by the somatic cell nuclear transfer technique is not a human embryo is like saying this was not a sheep embryo. Well, what is this? This is Dolly. To say that a human embryo created by nuclear transfer technology is not a human embryo to me is the equivalent of saying this is not a sheep.

Now, I have, I think, some pretty good quotes to support my position. This is from the Bioethics Advisory Commission. The Commission began its discussion fully recognizing that any efforts in humans to transfer somatic cell nucleus into an enucleated egg involves the creation of an embryo. So they support my argument. They have to, it is science, with the apparent potential to be implanted in a uterus and developed to term.

I have another quote from one of the Commissioners, Alex Capron. ''Our cloning report, when read in light of subsequent developments in that field and of the stem cell report, supports completely halting attempts to create human embryos through SCNT,'' or somatic cell nuclear transfer, ''at this time.''

Now, I just want to point out, this is not a stem cell debate. There will be people who will try to make this a stem cell argument. My legislation does not make it illegal to do embryonic stem cell research.

I would also like to point out this is not an abortion debate. Judy Norsigian is shown here quoted, she is pro-choice, she is the co-author of ''Our Bodies, Ourselves for the New Century'' with the Boston Women's Health Collective. ''There are other pro-choice groups that have supported my position that we do not want to go to this place, because embryo cloning will compromise women's health, turn their eggs and wombs into commodities, compromise their reproductive autonomy, with virtual certainty lead to the production of experimental human beings. We are convinced that the line must be drawn here.''

Finally, I have a quote from the National Institutes of Health guidelines for research using human pluripotent stem cells. They deny Federal funding for research utilizing pluripotent stem cells that were derived from human embryos created for research purposes, research in which human pluripotent stem cells are derived using somatic cell nuclear transfer, the transfer of a human somatic cell into the human egg.

Now, there are some people who have been approaching me saying why are we having this debate now? Well, there is a company in this country that has already harvested eggs from women. They want to start creating clones. So the issue is here now. If we are going to put a stop to this, the House, I think, needs to speak and the other body needs to take this issue up as well.

Additionally, this is a women's health issue. There was one article published, I believe in the New England Journal. The way they harvest these eggs is they give women a drug called Pergonal that causes super-ovulation. Then they have to anesthetize them to harvest the eggs. They typically use coeds. It is a class issue, who is going to volunteer for this procedure? Poor women?

Let me tell Members what: The study showed that women who were exposed to this drug have a slightly higher incidence of ovarian cancer. So this is not a trivial issue, in my opinion. It is a women's health issue. I believe the rule that has been crafted is a very fair rule. It will provide for plenty of debate.

Ms. SLAUGHTER. Mr. Speaker, I yield 8½ minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, there are two bills before us today, effectively, the Weldon bill and then the Greenwood bill, that I am an original sponsor with.

Let us be very, very clear to each other and to the American people. Both of those bills absolutely totally ban human cloning. I am going to say that

again so there is no debate on that. They absolutely, totally ban human cloning. There is unanimity, I think, in this Congress, in the American public, about that. There are some extreme, extreme groups that are distinct minorities, but I do not believe there will be one Member who will stand up here and say we should do it.

We should not do it, for both ethical and practical reasons. Before Dolly the Sheep was created, and I am not going to talk about all the ethical reasons. I will talk for a second about the practical reasons. And there are very serious ethical reasons against it. But before Dolly the Sheep was created, 270 sheep died; and Dolly is severely handicapped. I do not think any of us can even contemplate that in terms of the human condition.

Let us talk about what this debate is really about. It is not about human cloning. We are all against human cloning. What it is about is the Weldon bill further bans somatic cell nuclear transfer. I am going to say that term again, because that is a term that all the Members who are going to vote in this Chamber and, in fact, in a sense all of the American people at some point are going to have to understand that term.

I think all of my colleagues now understand the term embryonic stem cells, and I think the vast majority of Americans understand the term embryonic stem cells. In fact the majority of Members, in fact, the debate about stem cell research is over. A majority of this Congress, a majority of the other body, both support embryonic stem cell research, and a vast majority of the American people across polling data, 75, 80 percent consistently of the American people, support embryonic stem cell research.

They do it and that breaks up into every sub-group of our population. In terms of Catholics, the number is about 75–80 percent. People who identify themselves as Evangelical Christians, 75–80 percent support embryonic stem cell research.

□ 1330

But what this Weldon bill tries to ban is somatic cell nuclear transfer.

Now, I really hate doing this to my colleagues and this is really one of the reasons why we ought to defeat this rule today, but I have to do a little bit of layman's science. This is a chart, and I will make it available for Members, that actually shows what somatic cell nuclear transfer does.

Most of us understand that by any definition, an embryo is created when an egg and a sperm join with the potentiality of a unique human being. That is not what this procedure is about. I am going to say these things again, because for most of my colleagues they have not heard this before, and this is somewhat of a science lesson.

A normal embryo, what we think of as an embryo, is created by an egg and a sperm joining with the potentiality of a unique human being.

Mr. Speaker, that is not what this bill attempts to ban. What it bans is somatic cell nuclear transfer. Again, as the chart shows, one takes an egg, an unfertilized egg, an egg, and one then takes out the chromosomes from that egg and then, literally, in the trillions of cells in a body and, in other species, they take it out. Obviously, in the human species, it is the female, of the literally trillions of cells that exist in the human body, they take out one of those cells and take out the 46 chromosomes out of one of those cells and then put it into an egg.

At that point, why are they doing that? Let us talk about that a little bit. This is part and parcel, this debate really is totally intertwined.

The gentleman from Florida (Mr. DEUTSCH) said this is not about stem cell research. It is about stem cell research because, let us talk about what is going on.

Stem cell research, one of the reasons why the American people have effectively said they want embryonic stem cell research is because they understand the debate. They understand the debate at several levels.

At the first level they understand that in in vitro fertilization embryos are created that literally get thrown away. We have a choice. We can use those for research that literally has the ability to cure the most horrific diseases humankind has ever seen, whether that is paralysis, whether that is Alzheimer's, or any number of diseases.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Speaker, I would ask the gentleman, does it trouble him that with all of the difficulty he is having trying to explain what this is about, that our colleagues are going to be coming down here pretty soon and voting on it, and it will affect everybody in the United States.

Mr. DEUTSCH. Mr. Speaker, I agree with the gentlewoman 100 percent, which is one of the reasons to defeat this rule. In my 9 years in this Chamber, this is the least informed collectively that the 435 Members of this body have ever been on any issue, and in many ways, it is as important as any issue we face.

Ms. SLAUGHTER. Mr. Speaker, it is frightening.

Mr. DEUTSCH. Mr. Speaker, reclaiming my time, why is this about stem cell research? As I said, what the American people have said, and I was talking about in vitro fertilization, that we have the ability to take these embryos and do research on them to literally cure disease, and the research is there. This past week, stem cells were inserted into a primate's spine and a primate that previously had been unable to move was able to move.

Just today, in today's Wall Street Journal, there is a report on research of stem cells actually being able to create insulin cells. It is in today's Wall Street Journal. This stuff is happening. Diseases that had existed in the past, polio, other diseases have been cured. We are getting there. We literally can. If we talk to the patients' groups, if we listen to what Nancy Reagan is saying, if we listen to the families, there are literally tens of millions.

I will move this next chart over here just to show my colleagues. This is the number of people in America that we are talking about. We are not talking about millions, we are talking about tens of millions of people who are personally affected by these diseases, and if we put their families in, we are talking about literally maybe 100 million people in this country who are affected by these diseases.

Now again, let us talk specifically about: how does this intertwine with stem cell research? It is very similar to the issue of organ transplants. If we put an organ into someone's body, it will be rejected. There are antirejection drugs which scientifically do not apply to stem cells.

The best way to be able to actually maybe get a therapeutic use out of this research, actually cure cancer, cure Parkinson's, cure Alzheimer's, cure juvenile diabetes, the actual way to do that is to develop research to develop a therapy to actually put the stem cells into the body, and that is exactly what is being done here. Cells from a person's body are being used, through somatic cell nuclear transfer, to be able to create the potentiality of curing these horrific diseases.

Calling that an embryo does not make it an embryo. It is not an embryo. It is not creating life by any definition of creating life. It is the potentiality to continue life.

I would say it in several ways. If someone, by reason of their theology, their personal belief system, does not allow them to do that, then I say let them choose not to do that. But for the tens of millions of patients, 100 million family members, do not stop them from doing it, number one. This bill goes to an extreme and even says that we cannot import drugs for use in this country. I am sure there is not a Member in this chamber who could look a family member in the eye of one of those tens of millions of Americans when that drug is created in England or France or Ireland or wherever and say, you cannot have that drug. I know there is not a Member that could do it, and we should not do it today.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding time. We are going to have a lot of debate and I assume some of the arguments that the gentleman has put forward will be debated further in the course of the afternoon. I will just point out one or two quick things.

The procedure that they would like to make legal is illegal in several European countries. There is really only one that currently allows it, and they have come under a lot of criticism. I think by passing my bill, we actually bring the United States into conformity with a lot of thinking that is going on in the world.

The gentleman from Florida (Mr. DEUTSCH) mentioned a ''study'' where paralysis had been reversed. I do not know where he got that reference from. There was a story in the press of a rat that had paralysis and a lot of the press reported it as embryonic stem cells. It was not embryonic stem cells, it was fetal stem cells. It was not even a study, it was a scientist who took some video footage. It was not peer reviewed. Nevertheless, it was reported in the press as a ''study.''

This is not about embryonic stem cell research, it is about whether or not we are going to carry this whole issue one step further, no longer using the excess embryos in the clinics, but now creating embryos for research purposes.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, today, the House is faced with one of the most complex and potentially far-reaching medical and ethical issues it will ever face. As a body, we should have time to examine the ramifications of the many issues involved in cloning, time for deliberative judgment, time for exploring alternatives and crafting enforceable legislation. But today, we are not being given that time, and that is why we must reject this rule.

We are being given less than 3 hours today when most Members have not had the time to understand and explore the potent ramifications of this issue to decide an issue which will not only impact tens of millions of Americans today, but will also impact future generations.

Cloning is one of the most important and far-reaching issues we will examine in our public service. Its impact may be incalculable. Cloning will alter our world. It is true that powerful, potent and perhaps dangerous research efforts currently proceed unchecked. Technological knowledge grows exponentially with new and important results announced daily. The rush of data creates a surging, uncontrolled current that finds its own course.

We must not legislate long after the damage has been done, and that is why we need to try to find a way to have foresight and vision, providing leadership for others around the world. We must find a way to ban human cloning, while allowing research to continue.

Therefore, I support the revised Greenwood-Deutsch substitute which bans reproductive cloning, but allows strictly regulated, privately funded therapeutic cloning. Reproductive cloning practices which must be banned are an attempt to create a new human being and, as we heard in hearings throughout the spring, there are fringe groups who would like to clone humans. This is wrong, and it must be stopped.

Conversely, somatic cell nuclear transfer, or so-called ''therapeutic cloning,'' is the way to take stem cell research and all of its promise from the lab to the patient who has diabetes, Parkinson's Disease, Alzheimer's, spinal cord injury, and other health problems. Stem cell research helps us take a stem cell, a cell that is a building block to be made into any other cell, and turn that cell into a variety of different tissues for the body.

But medical experts tell us that that stem cell, because the DNA differs from the DNA of the individual that the new tissue is to be donated to, will often be rejected, because the genetic makeup of that tissue is different. Somatic cell nuclear transfer gets around that problem of rejection, because the stem cells that create the organ or tissue are from the patient. As a result, the patient's body will not recognize the organ or tissue as a foreign object.

Let me give my colleagues an example. A diabetic, if we take a cell and we make a stem cell and then we make an Islet cell that produces insulin from that stem cell, the person's body will still reject that Islet cell without immunosuppressive drugs because the DNA is different. But with somatic stem cell transfer, if we take an egg, an unfertilized human egg, we remove the 23 chromosomes and we take the diabetic patient and replace the 23 chromosomes with 46 of that own patient's chromosomes, we can make Islet cells that that person's body will not reject.

The other thing, the very dangerous thing the Weldon bill does is, if there are nonhuman cloning techniques which are used for therapies abroad, we can never import those therapies, to have to say to someone who needs a skin graft that a therapy developed overseas cannot be used to replace one's own healthy skin.

The ancient Greeks developed mythological answers for questions they did not understand. Their mythology brought order into chaos. We do not have that luxury in our society. We cannot stand back, shrug our shoulders and say, it is the will of the gods. Cloning is man's discovery and man has to take control over cloning and all of its consequences, good and bad.

Mr. Speaker, I urge rejection of this rule, and I also urge adoption of the Greenwood-Deutsch substitute. Let us have a debate. Let us have a full discussion, and let us figure this out in a way all of us can be proud of in a reasonable, not a political way.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD)

Mr. GREENWOOD. Mr. Speaker, I thank the gentlewoman for yielding time. I also want to thank my opponent in this debate, the gentleman from Florida (Mr. WELDON), for letting me use one of his charts to which I will refer in a moment.

This rule makes in order the Greenwood-Deutsch substitute. The Greenwood-Deutsch substitute, just like the base bill, makes it illegal to create a human being through cloning. We all, the gentleman from Florida (Mr. WELDON) and I, and all of the speakers we will hear from today, all believe that it is not safe and it is not ethical to create a new human being through cloning. We need to ban that.

What we do not want to ban is, as has been said, the somatic cell nuclear transfer research, because that, my colleagues, that is what gives us the most promising opportunity to cure the diseases that have plagued humanity for centuries.

□ 1345

Every one of us has had the experience that I have had in my office over and over again: a mother and father bring in their little diabetic child, sometimes with a big bottle of needles showing how many times they must inject themselves while they buy time to see if diabetes will eventually kill them.

Every one of us has had the experience that I have had where a beautiful young mother comes into the office, she cannot raise her arms for Lou Gehrig's disease, and is trying to raise a child and trying to race death that is certain to come from Lou Gehrig's disease.

We have all had people in our office trembling from Parkinson's. We have all had people in our office tell us the tragic stories of their parents with Alzheimer's. We have all had people come to visit us in wheelchairs, quadriplegics, paraplegics, with life-ending, life-destroying spinal injuries. We work on people who have suffered from head injuries, never to regain their normal function, and people in coma.

We have all heard these stories. What do we do? We do the best thing we can think of. We say, let us double the funding for the National Institutes of Health. Let us spend billions of dollars to save these people, to save future generations from the scourge of premature death, disability, torturous pain.

What is the research that we think is going to be done to find these miracle

cures? Mr. Speaker, it is somatic cell nuclear transfer.

Let us look at this diagram. What the gentleman from Florida (Mr. WELDON) did not say in his explanation of the diagram is that when we take the skin cell, the somatic cell, and put it in the nucleus of the denucleated or enucleated cell and allow it to divide for 5 to 7 days, when we get to this point, when we get to the point where we have that cell division, we stop the process of cell division and extract from that blastocyst pluripotent stem cells.

When we have those stem cells, the scientists do research where they look at the proteins and the growth factors at work; and they say, what made that skin cell from someone's cheek become a stem cell, a magical stem cell that can become anything? And then, what miraculous proteins and processes can convert that pluripotent stem cell into a specialized spine cell or brain cell or liver cell?

When they unlock that secret through this research, what they will be able to do to our constituents is that little child with diabetes will be able to have some of its skin cells taken, turned in with these proteins, no more eggs, no more embryonic work at all, take her somatic cell, convert it into a stem cell, and convert it into the islets for her liver, convert it into the cells that will cure and repair her spine, convert it into the cells that wake a comatose patient back into consciousness. That is what this research holds for us.

Now, why would we kill this research? Why would we condemn for the world and for future generations not to have the benefit of this miracle? We would do it because some will say, but wait a minute, once we put the cheek cell of the gentleman from Pennsylvania (Mr. GREENWOOD) into this empty cell and it divides, we have a soul. That is the metaphysical question here, do we have a soul there?

Mr. Speaker, I would be mightily surprised if we took my cheek cell and put it in a petri dish and it divided, that God would choose that moment to put a soul on it, and say, Mr. GREENWOOD's cheek cell is dividing; quick, give it a soul. It has to have a soul. Then we can hold hands and circle it and say, It must now become a human being. Mr. GREENWOOD's cheek cell is dividing. It has a soul. It has to live.

That is ridiculous. It is ridiculous. It does not say that in the New Testament. What the New Testament says is love; and with this therapy, we make the love a reality.

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

Ms. LOFGREN. Mr. Speaker, it is worth reading the bill that is before us today. If we do read the bill, as I have and the other members of the Committee on the Judiciary, we will see that the bill outlaws somatic cell nuclear transfer. It makes it a felony with a 10-year sentence.

If we read further in the bill, there is a ban and also a felony remedy for those who ship or receive any products that are derived from somatic cell nuclear transfer.

Now, what does this mean? This means that scientists in labs around the country who are doing research and who may have cultures of cells that are products of somatic cell nuclear transfer will soon become felons in their labs if they ship or send these cells to colleagues in the scientific world.

Further, under the bill, it is illegal, it is a crime, to accept a cure that is developed outside the United States if a cure for a disease is the product of somatic cell nuclear transfer.

Now, that is a very realistic possibility. Just last month, this month, the head of stem cell research at the University of California in San Francisco announced that he was leaving the United States because he could not do his research in the United States. He is moving to England. When he joins other scientists in England, there is quite a good chance that they will come up with cures for horrible diseases that are suffered throughout the world, including America.

If we pass this bill, we are saying Americans are not allowed to get those cures. That, too, would become a crime.

The National Institutes of Health mentioned in their recent report that the human ES-derived cells could be advantageous for transplantation purposes if they did not trigger an immune rejection. They also point out in the next paragraph that ''potential immunological rejection of human ES-derived cells might be avoided for by using nuclear transfer technology to generate these cells.''

I urge my colleagues to vote against this rule. It is preposterous that we are allowing ourselves 2 hours of debate to decide whether we should call to a screeching halt research that has the promise of curing cancer, of allowing those who have suffered spinal cord injuries to recover, allowing Alzheimer's victims to recover, allowing Parkinson's victims to recover.

We should reject this bill. We all agree that cloning of human beings is something we ought to outlaw. Let us not outlaw research along with that.

Mrs. MYRICK. Mr. Speaker, I yield 2½ minutes to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

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

Mr. Speaker, let me first say that I think we are all in agreement that cloning to reproduce human beings ought to be illegal, and the FDA does not have authority in my view to make it legal today. All they have is authority to say it is a safe process or not, and that is the last authority they have on the subject. We need to make cloning of human beings illegal.

The tougher question is one the gentleman from Pennsylvania (Mr. GREENWOOD) poses: Should we have therapeutic cloning for research purposes to get stem cells?

If that were the only place to get stem cells, if that were the only way in which to learn these incredible cures and these incredible possibilities for replacing human organs and curing diabetes, that would be a pretty tough debate for us today. But we are not in that position.

I commend Members to an article in Discover Magazine that has just come out this month about four remarkable brothers, the Vacanti brothers. In the article, they talk about amazing breakthroughs not in stem cell research but in research that has discovered some 3-micron, very small, cells in every mammalian species, including human beings.

They have experimented with these cells. They have tried to freeze them; they have tried to cook them. They have frozen them at minus 21 degrees. They have left them at 187 degrees for 30 minutes. They have starved them of oxygen. They have lived and replicated. They have used them now in experiments going as far as rebuilding the spinal cords of lab rats, and in months these lab rats are walking again.

This is without stem cell research. This is without embryonic stem cell research. This is without therapeutic cloning.

What this article says is there are amazing breakthroughs in the tissues, the cells of our human bodies, without us going as far as some would have us go in playing with the recreation of human life just to take cells for research purposes. We do not have to go that far. The Weldon bill will say, stop this cloning business, just stop it, and use these remarkable breakthroughs, instead.

In fact, let me tell the Members what they did in one case, quickly. They used these cells taken from a pancreas that was diabetic, and then they grew insulin-producing islets inside that pancreas using these cells, not stem cells, but these cells that exist already in the body.

Mr. Speaker, there are ways for us to get these answers without messing with cloning. These cells are human beings. We ought to pass this bill today.

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

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

Mr. Speaker, I just want to read a list of people who are interested in this bill, more for the people who may be watching this than for the people in this room. Most of us know who is on which side.

The Juvenile Diabetes Foundation, the American Association of Medical Colleges, the Alliance for Aging Research, the American College of Obstetricians and Gynecologists, the American Academy of Optometry, the American Association of Cancer Research, the American Association of Anatomists, and on and on and on.

Most of these organizations, all of these organizations, are populated by people who, for the most part, are much more knowledgeable about the details than any of us.

I know there are many people on this floor today who know more about this issue on specifics than I do, and I respect that; but it is really not about the details, it is really about the future. That is what it is all about.

I cannot, and most of us are totally incapable of knowing everything we want to know about science, especially in the short period of time we have to learn it. But when I see a list of people like this, all of whom want to continue research unfettered by government, many of whom are not engaged in stem cell research; they may be at some future point, but many of them are not. Most genetic research right now is not related to stem cell research, not yet. It may never be. Stem cells is just another potential. That is all it is at the moment.

For us to sit here today and tell the scientists of America, and particularly the scientists of the world, because it will not stop, it will simply move offshore, that this Congress, most of whom are generalists on different areas or specialists in other areas, that this Congress is going to tell them stop, really puts us in the exact same position as legislators and clergy in the Middle Ages when they said, Do not do autopsies. It is immoral; it is unethical. We do not like it. Do not cut those bodies open. Yet men and women did it, to our great benefit today.

It is an old story; it is not a new story. It is not just isolated; it has happened throughout the ages. Not very long ago, in my lifetime, we had people in this country who said, The polio vaccine might cause trouble because it is really dead polio stuff. Yet in my family we lost a young girl to polio, and we saved my brother based on research that some people in those days condemned.

X-rays, we take them as common today. There were many people when x-rays were first in invented who said, Oh, my God, we cannot do that. It was not meant for man to see through someone's body. We do it today with impunity. These same issues are arising again today. We should not substitute our general opinion that we are not even sure about for the future of science and for the health of our children and grandchildren.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

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

Mr. Speaker, I would like to enter into a colloquy with my colleague, the gentleman from Florida (Mr. WELDON).

I would ask the gentleman to correct me if I am wrong, but it seems to me the gentleman's bill makes illegal the creation of a blastocyst for either reproductive or therapeutic cloning. Is that correct?

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

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

Mr. WELDON of Florida. I would say to the gentleman, yes, that is correct.

Mr. GANSKE. Mr. Speaker, I want to ask the gentleman another question. I wrote an op ed piece that said, ''Let me make my position absolutely clear. I oppose the cloning of human beings. I favor Federal funding of stem cell research. The potential this research has to cure disease and alleviate human suffering leads me to believe this is a pro-life position.''

My question to the gentleman from Florida is this: What about those fertilized eggs that are not created for research purposes, that are in fertility clinics that are not being used? Does the gentleman's bill make it illegal to use those blastocysts for stem cell research?

Mr. WELDON of Florida. If the gentleman will yield further, no, it does not.

Mr. GANSKE. I thank the gentleman. I want to be absolutely clear on this.

I ask the gentleman from Florida (Mr. WELDON), does he think one can be consistent in being for Federal funding for stem cell research and also being in favor of the gentleman's bill?

Mr. WELDON of Florida. Yes.

□ 1400

Mr. GANSKE. And would the gentleman say that the reason for that is that his bill is focusing primarily on the initial creation of this blastocyst or the equivalent of a fertilized egg and the problems that that would have because we would be basically creating an embryo for research?

Mr. WELDON of Florida. If the gentleman would continue to yield, yes, the threshold we are being asked to cross is no longer just using the embryos that are in the IVF clinics but actually creating embryos for destructive research service.

Mr. GANSKE. Reclaiming my time, Mr. Speaker, I believe there are ethical considerations that enter to the creation of an embryo for research purposes, and that is why I will support the Weldon bill. And I will vote against the Greenwood substitute, and I thank the gentleman.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I am going to use this time really to respond to some of the statements that my colleagues have made in support of the Weldon bill as recently as the last speaker.

Let me again really focus this debate so Members know exactly what they are voting on. It has been presented that the Weldon bill does not stop stem cell research. Well, I do not believe that is true, and I think the facts bear out that that is not true.

This issue is intricately intertwined with stem cell research, and Members need to understand that is what we are voting on. Because just like organ transplants, the organs that can be transplanted have no use if the body is going to reject them. And what I want each of us as Members to think about, and I think my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), did this as well as I have heard anyone ever do on this floor, think about some of the most awful stories of the human condition, of real people, and each of us have heard these stories, whether on a personal basis or whether as a Member of Congress.

I have the numbers here: 24 million people with diabetes, 15 million with cancer, 6 million with Alzheimer's, 1 million people with Parkinson's. Those are obviously large numbers. But I ask each of my colleagues to think of one person, maybe a grandmother or a grandfather, a father, a mother, a friend who had one of these diseases. And what we would be doing today if we passed the Weldon bill would be taking away their hope of stopping their pain and their suffering. That is the choice in front of us. That truly is the choice in front of us.

We do not have that cure yet. But we all know, all of us have heard and read the specifics of where the research is, and it is there. It might not be there tomorrow, but it is there. We would stop all this research. All of it. All of it. Not Federal funding, but all of it. Private funding, Federal funding. Criminalize it, and all of this research would stop under the Weldon bill.

And let us kind of weigh what we have here. Let us weigh what we have. We have the potentiality in terms of the human condition that I think is as monumental as anything we can possibly contemplate. Again, we can talk about tens of millions and hundreds of millions, but I ask each of my colleagues to focus on one, someone who they know. But then what are we weighing that against? We are weighing that against stopping somatic cell

nuclear transfer. That is what it is, somatic cell nuclear transfer. It is not an embryo. It is not the creation of life.

There are issues, and I think very serious ethical, moral issues, about using embryos for stem cell research, and we can talk about them. And I think we take this issue seriously. I think all Members take it seriously. We do not take it lightly at all. The gentleman from Pennsylvania (Mr. GREENWOOD), I think, spoke as well as I have ever heard anyone speak about this on this floor, that by any concept of what we have talked about, a sperm and an egg joining for the potentiality of the creation of a unique human being. That is not what somatic cell nuclear transfer is about.

Somatic cell nuclear transfer is the taking an egg that is not fertilized, taking out the 23 chromosomes and literally, literally taking one of the several trillion, several trillion cells in a body, whether it is the gentleman from Pennsylvania's cheek cell, one of the several trillion, or the cell on his skin or another cell, a cell of several trillion in a person's body, taking that one cell and taking out the 46 chromosomes and putting it in this egg.

And why are we doing it? Again, there is not a Member in this Chamber that wants to allow it to be done for the potentiality of creating a human being. Absolutely not. Illegal under both bills. But what we do want is the potentiality of literally saving tens of millions of lives with that. That reality is there. And if we pass the Weldon bill, we prevent that.

We will not prevent it in some other countries, but what we do, as amazing as it sounds, is we prevent that research from coming into the United States. Which again, as I said previously, I cannot conceive that one of my colleagues in this Chamber would ever have the ability to look a family member or any person, for that matter, in the eye, a quadriplegic, someone suffering from Parkinson's, and say they could not take the benefit of the research.

Mr. Speaker, I urge the defeat of the rule.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume to remind my colleagues that everybody who came before the Committee on Rules with any kind of an amendment got their amendment, so I urge them not to defeat the rule. Yes, this is a complex issue; but we need to have a substantive debate on it.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise in favor of the rule on House Resolution 2505, the Human Cloning Prohibition Act. It is a good and fair rule, and it allows for a full debate on this important issue at hand.

In light of recent scientific advances in genetic research, our society is faced with some difficult decisions, foremost among these is what value we place on human life. At first glance, human cloning appears to respect life because it mimics the creation of life. However, when we look closely at the manner in which this life is created, in a laboratory, and for what purpose, out of utility, one cannot help but see that cloning is actually the degradation of human life to a scientific curiosity.

Designing a life to serve our curiosity, timing its creation to fit our schedules, manipulating its genetic makeup to suit our desires, is the treatment of life as an object, not as an individual with its own identity and rights.

H.R. 2505, the Human Cloning Prohibition Act is a brave step in the right direction. This legislation amends U.S. law to ban human cloning by prohibiting the use of somatic cell nuclear transfer techniques to create human embryos. This act bans reproductive cloning and so-called therapeutic cloning.

Therapeutic cloning, as my colleagues know, is performed solely for the purpose of research. There is no intention in this process to allow the living organism to survive. While this bill does not restrict the use of cloning technology to produce DNA, cells other than human embryos, tissue or organs, it makes it unlawful for any person or entity, public or private, to perform cloning or to transport, receive, or import the results of such a procedure.

As my colleagues know, the high risk of failure, even in the most advanced cloning technologies, gives us pause. Even the so-called successful clones are highly likely to suffer crippling deformities and abnormalities after birth. Again, the push for scientific knowledge must not supercede our basic belief that human life is sacred.

Mr. Speaker, I urge my colleagues to join the majority of Americans in support of this rule, to oppose the Greenwood substitute, and to support the carefully crafted bill of the gentleman from Florida (Mr. WELDON) to prevent human cloning and to keep us from going down this dangerous road.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. I include for the RECORD two articles that outline the research by Johns Hopkins University about the cure of paralysis that was reported last week at the annual meeting of the Society for Neuroscience in New Orleans.

[From the Yale Bulletin & Calendar, Dec. 1, 2000]

TEAM USES PRIMATE'S OWN CELLS TO REPAIR SPINAL CORD INJURY

(By Jacqueline Weaver)

A Yale research team has transplanted stem cells from a primate to repair the protective sheath around the spinal cord in the same animal, an accomplishment that some day could help people with spinal cord injuries and multiple sclerosis.

''The concept is not ready for people, but the fact that it can be achieved in a primate is significant,'' says Jeffrey Kocsis, professor of neurology and neurobiology at the School of Medicine. ''Cells were taken from the same animal, with minimal neurological damage, and then injected to rebuild the myelin.''

In multiple sclerosis, the immune system goes awry and attacks the myelin. Damage to the myelin builds up over years, causing muscle weakness or paralysis, fatigue, dim or blurred vision and memory loss.

Using the primate's own cells to repair the myelin, which is a fatty sheath that surrounds and insulates some nerve cells, sidesteps a common problem in transplanting organs, explains the researcher. Patients generally have to take drugs to suppress their immune systems so that their bodies do not reject an organ obtained from a donor.

''We didn't even need to immunosuppress the primate,'' says Kocsis, who presented his findings last week at the annual meeting of the Society for Neuroscience in New Orleans.

The experiment involved collecting small amounts of tissue from the subventricular area of the primate brain using ultrasonography. The neural precursor cells, or stem cells, then were isolated and expanded in vitro using mitogen, an agent that promotes cell division.

At the same time, myelin was removed from the primate's spinal cord. the stem cells were then injected in the same spot to form new myelin to cover the nerve fibers.

''The lesions were examined three weeks after transplantation and we found the demyelinated axons were remyelinated,'' Kocsis says. ''These results demonstrate that autologous transplantation of neutral precursor cells in the adult non-human primate can remyelinate demyelinated axons, thus suggesting the potential utility of such an approach in remyelinating lesions in humans.''

[From the Times (London), July 26, 2001]

STEM CELL INJECTION HELPS MICE TO WALK AGAIN AS SCIENTISTS FIGHT FOR FUNDING

(Katty Kay in Washington and Mark Henderson, Science Correspondent)

A video showing mice that have been partially cured of paralysis by injections of human stem cells was released last night by American scientists. They are seeking to head off a ban on government funding of similar research.

Researchers at Johns Hopkins University in Baltimore broke with standard scientific practice to screen the tape before details of their research have been formally published, in the hope that it will convince President Bush of the value of stem cell technology.

The U.S. Government is considering whether to outlaw all federal funding of studies using stem cells taken from human embryos, which promise to provide new treatments for many conditions, including paralysis and Parkinson's disease.

Opponents argue that the research is immoral as the cells are taken from viable human embryos. President Bush has suspended federal funding of such work and has announced a review of its future. He was urged this week by the Pope to outlaw the practice.

John Gearhart and Douglas Kerr, who led the privately funded research, hope that the tape will have a decisive impact on the debate by showing the potential of the technique. It shows mice paralyzed by motor

neuron disease once again able to move their limbs, bear their own weight and even more around after injections of human embryonic stem cells in their spinal cords.

Dr. Kerr said that the team hopes to start human clinical trials within three years but that a federal funding ban would deal a ''potentially fatal blow'' to its efforts.

Details of its research were first revealed in November last year, though it has yet to be published in a peerreviewed journal. In this case, however, the team took the decision to show the tape to Tommy Thompson, the U.S. Health and Human Services Secretary, who is conducting a review of stem cell funding for President Bush, and to Pete Domenici, a Republican senator. It is now to be released to the public as well.

Medical research charities said the video would have a major impact. ''I wish the President would see this tape,'' said Michael Manganiello, vice-president of the Christopher Reeve Paralysis Foundation, named after the Superman actor who was paralyzed in a riding accident.

''When you see a rat going from dragging his hind legs to walking, it's not that big a leap to look at Christopher Reeve, and think how this might help him,'' he said.

In the experiment, 120 mice and rats were infected with a virus that caused spinal damage similar to that from motor neuron disease, the debilitating condition that affects Professor Stephen Hawking. The disease is generally incurable and sufferers usually die from it within two to six years.

When fluid containing human embryonic stem cells was infused into the spinal fluid of the paralyzed rodents, every one of the animals regained at least some movement. In previous tests stem cells have been transplanted directly into the spinal cord. Infusing the fluid if far less invasive and would make eventual treatment in humans much easier.

Dr. Kerr said the limited movement seen was a reflection of the limited research, not of the limits to stem cells themselves.

''I would be a fool to say that the ceiling we have now is the same ceiling we'll see in two years,'' he said. ''We will be smarter and the stem cell research even more developed.''

However, the prospect of human trials in three years depends on the outcome of a political and ethical debate over whether the US Government will allow federal funding for stem cell research. If President Bush decides not to approve government funds for research, that would set the timetable back 10 to 12 years for tests in humans, Dr. Kerr said.

The controversy stems from the fact that human embryos must be destroyed in order to retrieve the stem cells. Mr. Bush is under pressure from conservative Republicans and Roman Catholics not to back the research on moral grounds.

Some top American scientists, who are becoming increasingly frustrated with the funding limitations, have left for Britain where government funding is available. The British Government has approved stem cell research on the ground that it could help to cure intractable disease.

The research on rodents at Johns Hopkins took stem cells from five to nine-week-old human fetuses that had been electively aborted.

THERAPIES

There is no cure for ALS, and more research needs to be done in order for there to be one.

Currently, there is only one drug on the market that has been approved by the FDA for the treatment of ALS: Riluzole. It was originally developed as an anti-convulsant, but it has also been shown to have anti-glutamate effects. In a French trial, it was found that those taking the drug had an enhanced survival rate of 74% as compared to only 58% in the placebo group. [1] But, the drug has gotten mixed reviews, with divergent results occurring throughout the trials.

Creatine has also been shown to help motor neurons produce needed energy for longer survival and is currently being tested in clinical ALS trials. Creatine is an over-the-counter supplement that is popular as a muscle builder among athletes. Creatine is a natural body substance involved in the transport of energy. Studies using SOD1 mice found that animals given a diet high in creatine had the same amount of healthy muscle-controlling nerve cells as mice in the normal, or control, group. Creatine can be found in a variety of health food stores.

Sanofi, still in clinical trial, is a nonpeptide compound which possesses neurotrophin-like activity at nanomolar concentrations in vitro, and after administration of low oral doses in vivo. The compound reduces the histological, neurochemical and functional deficits produced in widely divergent models of experimental neurodegeneration. The ability of sanofi to increase the innervation of human muscle by spinal cord explants and to prolong the survival of mice suffering from progressive motor neuronopathy suggest the compound might be an effective therapy for the treatment of ALS.

The mechanism by which sanofi elicits its neurotrophic and neuroprotective effects, although not fully elucidated, is probably related to the compound's ability to mimic the activity of, or stimulate the biosynthesis of, a number of endogenous neurotrophins such as nerve growth factor (NGF) and brain-derived, neurotrophic factor (BDNF). While sanofi has high affinity for serotonin 5-HT1A receptors and some affinity for sigma sites, its affinity for these targets appears to be unrelated to its neurotrophic or neuroprotective activity.

STEM CELL THERAPY

Therapeutic efforts are underway to prevent diseases or prevent their progress, but more is going to be needed in order to repair the damage that has been done in ALS. Neurons are dead and muscles have atrophied; these must be regenerated to get back what has been lost. Stem cell therapy is going to be key.

The definition of a stem cell is under debate, but most researchers agree with the properties of multipotency, high proliferative potential and self-renewal.[2]

Embryonic and fetal stem cells differ in their isolation periods, and thus their potentials. Embryonic stem cells are derived very early in development, either at or before the blastocyst stage, and are defined as pluripotent, with the ability to differentiate into multiple cell types. When a sperm fertilizes an egg, that cell will then go on to further divide and differentiate into cells that will make up the entire body. If cells are captured before they differentiate, those cells then have the ability to become many types of desired cells. Fetal stem cells, which can be isolated at a later stage (from aborted fetuses, for example), are more differentiated and thus more restricted in the lineage they can become. Research has shown that the beauty of the embryonic stem cell is in its ability to become all types of cells, migrate, and respond to cues in the transplanted environment.

Adult stem cells can be isolated from certain areas in the adult body, including neurogenic areas of the brain (the dentate gyrus and olfactory bulb), and bone marrow. Recent research has shown bone marrow derived stem cells are very versatile, differentiating into muscle blood, and neural cell fates. [3] While adult stem cells hold promising hope, they are not abundant, are difficult to isolate and propagate, and may decline with increasing age. Some evidence suggests that they may not have the differential potential and migratory ability as embryonic stem cells. Also, there is concern that adult stem cells may harbor more DNA mutations, since free radical damage and declination of DNA repair systems are known to occur more with age. [4] Any attempt to treat patients with their own stem cells, which from an immunologic standpoint would be great, would require those stem cells to be isolated and grown in culture to promote sufficient numbers. For many patients, including ALS patients, there may not be enough time to do this. For other diseases, such as those caused by genetic defects, it might not be wise to use one's own cells since that genetic defect is likely to be in those cells as well. Adult stem cells are less controversial, due to no isolation from embryonic or fetal tissue, but they may not have the same therapeutic potential.

Dr. Evan Snyder and his lab at the Boston Children's Hospital have transplanted embryonic mouse stem cells (C17.2) into the spinal cords of onset SODI mice. These cells were found to integrate into the system, with some found to have differentiated into immature neurons. Rotorod analysis, which measures functional behavior, indicated that those animals that had received a transplant, had improved fucntional recovery as compared to those that had not received cells. (This data is in press and will be presented at the Neuroscience Conference in San Diego, Fall 2001.)

Dr. Snyder and his team are also involved in embryonic stem cell transplant in primate models that resemble ALS. This is exciting work that may help push stem cell therapy to clincal trial. This research is being funded by Project A.L.S. (go to www.projectals.org)

Recently, it was reported that researchers at Johns Hopkins had made an exciting finding with stem cell therapy in regards to ALS. The following report is taken directly from the Johns Hopkins press.

STEM CELLS GRAFT IN SPINAL CORD, RESTORE MOVEMENT IN PARALYZED MICE

Scientists at Johns Hopkins report they've restored movement to newly paralyzed rodents by injecting stem cells into the animals' spinal fluid. Results of their study were presented in the annual meeting of The Society of Neuroscience in New Orleans.

The researchers introduced neural stem cells into the spinal fluid of mice and rats paralyzed by an animal virus that specifically attacks motor neurons. Normally, animals infected with Sindbis virus permanently lose the ability to move their limbs, as neurons leading from the spinal cord to muscles deteriorate. They drag legs and feet behind them.

Fifty percent of the stem-cell treated rodents, however, recovered the ability to place the soles of one or both of their hind feet on the ground. ''This research may lead most immediately to improved treatments for patients with paralyzing motor neuron disease, such as amyotrophic lateral sclerosis (ALS) and another disorder, spinal motor atrophy (SMA),'' says researcher Jeffrey Rothstein, M.D., Ph.D.

''Under the best research circumstances,'' he adds, ''stem cells could be used in early clinical trials within two years.''

''The study is significant because it's one of the first examples where stem cells may restore function over a broad region of the central nervous system,'' says neurologist Douglas Kerr, M.S., Ph.D., who led the research team. ''Most use of neural stem cells so far has been for focused problems such as stroke damage or Parkinson's disease, which affect a small, specific area,'' Kerr explains.

In the rodent study, however, injected stem cells migrated to broadly damaged areas of the spinal cord. ''something about cell death is apparently a potent stimulus for stem cell migration,'' says Kerr. ''Add these cells to a normal rat or mouse, and nothing migrates to the spinal cord.'' In the study of 18 rodents,the researchers injected stem cells into the animals' cerebrospinal fluid via a hollow needle at the base of the spinal cord—like a spinal tap in reverse. Within several weeks, the cells migrated to the ventral horn, a region of the spinal cord containing the bodies of motor nerve cells.

''After 8 weeks, we saw a definite functional improvement in half of the mice and rats,'' says Kerr. ''From 5 to 7 percent of the stem cells that migrated to the spinal cord appeared to differentiate into nerve cells,'' he says. ''They expressed mature neuronal markers on their cell surfaces. Now we're working to explain how such an apparently small number of nerve cells can make such a relatively large improvement in function.

''It could be that fewer nerve cells are needed for function than we suspect. The other explanation is that the stem cells themselves haven't restored the nerve cell-to-muscle units required for movement but that, instead, they protect or stimulate the few undamaged nerve cells that still remain. We're pursuing this question now in the lab.''

The rodents infected with the Sindbis virus are a tested model for SMA, Kerr noted. SMA is the most common inherited neurological disorder and the most common inherited cause of infant death, affecting between 1 in 6,000 and 1 in 20,000 infants. In the disease, nerve cells leading from the spinal cord to muscles deteriorate. Children are born weak and have trouble swallowing, breathing and walking. most die in infancy, though some live into young childhood.

With ALS, which affects as many as 20,000 in this country, motor nerves leading from the brain to the spinal cord as well as those from the cord to muscles deteriorate. The disease eventually creates whole-body paralysis and death.

The research was funded by grants from the Muscular Dystrophy Association and Project ALS.

Other scientists were Nicholas Maragakis, M.D., John D. Gearhart, Ph.D., of Hopkins, and Evan Snyder, at Harvard.

Stem cell therapy offers much promise to people suffering with ALS, as well as many other diseases, including Parkinson's and Alzheimer's. The key to this work is going to be support and funding. So many people will die without it.

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[3] Mezey, E. Chandross, K. 2000. Bone marrow: a possible alternative source of cells in the adult nervous system. European Journal of Pharmacology 405:297–302.

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The SPEAKER pro tempore (Mr. GIBBONS). The gentlewoman from New York (Ms. SLAUGHTER) has 2 minutes remaining, and the gentlewoman from North Carolina (Mrs. MYRICK) has 6 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, may I inquire if the gentlewoman from North Carolina has more speakers?

Mrs. MYRICK. Yes, I do. I have several more speakers.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. KERNS).

Mr. KERNS. Mr. Speaker, I stand before you today to urge my colleagues' support of the rule and H.R. 2505, the Human Cloning Act of 2001.

Today we take an important step in the process to ban human cloning in the United States. With technologies advancing rapidly, the race to clone a human being has become all too real. Simply put, H.R. 2505 will ban the process of cloning another human being. It will not, however, prohibit scientists from conducting responsible research.

Human cloning is not a Republican issue or a Democrat issue, it is an issue for all of mankind. The prospect of cloning a human being raises serious moral, ethical, and human health implications. As countries around the globe look to the United States for leadership, it is our responsibility to take a firm position and ban human cloning.

I spent, recently, many days traveling all throughout Indiana talking to people about this issue; and I have received lots of calls from across the country about this issue. I believe overwhelmingly that the people of this country want to ban human cloning.

There are several important factors my colleagues should be aware of when considering this legislation. H.R. 2550 does not restrict the practice of in vitro fertilization. It does not deal with the separate issue of whether the Federal Government should fund stem cell research on human embryos. Furthermore, 2505 does not prohibit the use of cloning methods to produce any molecules, DNA, organs, plants, or animals other than humans.

I urge all my colleagues to vote in support of the rule today.

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

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

Mr. Speaker, I rise in strong support of the rule and the anti-cloning bill authored by my colleague, the gentleman from Florida (Mr. WELDON). The House of Representatives must choose today whom it will serve, whether it will support the Weldon cloning ban and protect nascent human life or whether it will endorse an alternative that will most certainly lead to the creation of a subclass of human life solely for the purpose of experimentation and destruction.

Mr. Speaker, no ethical case can be made for cloning a human being. The Weldon bill bans all human cloning. The alternative before us would allow cloning as long as the cloned human is destroyed before it can follow the natural progression of life.

Today, Mr. Speaker, this Congress has the ability to settle some of the moral confusion of our time, to say that humanity will master rather than be mastered by science. Humanity is once again on the verge of a great moral decision. I pray we will not fall into the same type of tragic reasoning that has led previous generations into slavery and genocide through the devaluation of human life.

Let us reject the notion that exploitation of life is acceptable. This institution must respect life, protect life, and choose life; and I stand in strong support of the rule.

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

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in support of this rule and H.R. 2505.

This bill prohibits cloning of human beings, and it also prohibits another type of cloning which seriously endangers the sanctity of human life, the so-called therapeutic cloning. In this process, scientists would create embryos solely to experiment on them and eventually to destroy them for stem cells or whatever purpose. Remember, however, that the purpose is to destroy them.

Every argument in favor of therapeutic cloning assumes that the smallest human lives, embryos typically days old, are not lives at all. They are just clumps of cells to be manipulated and used for the benefit of those who have already been born. No matter how good the intention, this type of scientific rationalization endangers the very fabric of our society, our respect for ourselves and others. Nothing, I believe, can justify the taking of human life to improve the quality of another.

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Mr. Speaker, I urge all of my colleagues to join me in supporting this bill, a true ban on human cloning.

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

Mr. Speaker, I would like to just comment, it was said a while ago that all the amendments that were brought

up on this piece of legislation were allowed. Three were rejected by the Committee on Rules. One was by the gentlewoman from Texas (Ms. JACKSON-LEE), which made sure that this did not have anything to do with in vitro fertilization that was not allowed. Two were by the gentleman from Virginia (Mr. SCOTT), which would have also protected the rights of human beings.

I want to say to all my colleagues, because all of us have said it over and over again, that we are all opposed to the cloning of human beings. I believe this House is already on record having said that. But a lot of us believe that science is important, that taking care of the human beings who live here, to provide better health, a chance to live, a hope that paraplegics will walk, that diabetes will be done away with, that cancer can be found a cure for, all the promises that stem cells hold.

I want to say the same thing that my colleague, the gentleman from Massachusetts (Mr. CAPUANO) said. I recall the first debate when the first organ transplants took place, that that perhaps is not God's will. Maybe God expects us to help ourselves and to take advantage of the things he has given us here on Earth, to learn to do better and to do better for our fellow human beings.

Underlying all of this, Mr. Speaker, is that this House is in no way ready to debate this measure. There simply is not enough knowledge on either side. People are not clear on what is happening here. I am absolutely certain, as are many Members in this House, that this does away with stem cell research despite the fact that the gentleman from Florida (Mr. WELDON) believes it does not. There are far too many of us that believe that it does.

There are far too many questions left unanswered. The underlying case is, is the United States going to turn its back on science, and let other countries do it and then prohibit, with this legislation, the ability for us to even take advantage of breakthroughs, if they occur in another country, because we cannot import the cure?

What a terrible thought that must be for people out there who are waiting on a daily basis for something wonderful to happen to save the life of someone who means the world to them, for people who sit by a child's bedside and for people who pray every day for some deliverance from some awful scourge. I think they expect from us to know what we are doing here today.

I urge with all my heart a no vote on this rule to give us time in this House to really understand what we are doing because of the far-reaching implications of this legislation.

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

The SPEAKER pro tempore (Mr. GIBBONS). The time of the gentlewoman from New York has expired.

The gentlewoman from North Carolina has 2½ minutes remaining and has the right to close.

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

Mr. Speaker, I would like to clarify a remark based on what the gentlewoman from New York (Ms. SLAUGHTER) said. I said that the amendments of everybody who came before the Committee on Rules, who came to testify, were accepted. The other amendments were rejected in the Committee on the Judiciary.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, let me in closing just say I think this is a very fair and equitable rule. We allowed the gentleman from Pennsylvania (Mr. GREENWOOD) a full hour to debate the merits of his issue. I believe we will get a full airing of the essential debate.

I think the essential debate is, do we want to take the next step on this embryo stem cell issue, and take the Nation to the place where we are going to be creating embryos, no longer using so-called excess embryos, but we are going to start creating embryos.

I am a physician. I saw patients just last week. I have treated patients with Alzheimer's disease, Lou Gehrig's disease, diabetes. My father had diabetes. To hold out reproductive cloning as a solution to these problems is pie in the sky. It does not even exist.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Florida. I only have 2 minutes.

Ms. SLAUGHTER. We are not talking about reproductive cloning.

Mr. WELDON of Florida. I will not yield.

The SPEAKER pro tempore. The gentlewoman will suspend. The gentleman from Florida has the time.

Mr. WELDON of Florida. Mr. Speaker, I would be very pleased to discuss the issue of reproductive cloning. It does not exist. It is a theoretical construct.

I was just on the phone with a physician colleague from Chicago last night, who spoke to the world's most eminent embryologist at Stanford University, and I am quoting from him when he says, ''It is pie in the sky.''

One other thing I just want to clarify: My colleague, the gentleman from Florida (Mr. DEUTSCH), said the somatic cell nuclear transfer creating a cloned embryo is not the creation of life. I think to put forward that notion is totally absurd. That is like saying Dolly is not alive.

We are talking about creating human embryos for destructive research purposes, creating them. We are not talking about using the embryos in the IVF clinics anymore, in the freezers, the so-called excess embryos; we are talking about creating them for research purposes. I believe that is a line we do not want to cross.

We will have that debate in a little while. I encourage everyone to vote yes on this rule.

Mrs. MYRICK. Mr. Speaker, I urge my colleagues to vote yes on this rule so we can go ahead and have this debate, and discuss this complex and substantive issue.

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 214 will be followed by a 5-minute vote on H.R. 2540.

The vote was taken by electronic device, and there were—yeas 239, nays 188, not voting 7, as follows:

[Roll No. 300]

YEAS—239

Aderholt	DeLay	Hoekstra
Akin	DeMint	Holden
Armey	Diaz-Balart	Hostettler
Bachus	Doolittle	Houghton
Baker	Doyle	Hulshof
Ballenger	Dreier	Hunter
Barcia	Duncan	Hyde
Barr	Dunn	Isakson
Bartlett	Ehlers	Issa
Barton	Ehrlich	Istook
Bereuter	Emerson	Jenkins
Berry	English	John
Biggert	Everett	Johnson (IL)
Bilirakis	Ferguson	Johnson, Sam
Blunt	Flake	Jones (NC)
Boehlert	Fletcher	Keller
Boehner	Foley	Kelly
Bonilla	Forbes	Kennedy (MN)
Brady (TX)	Fossella	Kerns
Brown (SC)	Frelinghuysen	Kildee
Bryant	Gallegly	King (NY)
Burr	Ganske	Kingston
Burton	Gekas	Kirk
Buyer	Gibbons	Knollenberg
Callahan	Gilchrest	Kucinich
Calvert	Gillmor	Langevin
Camp	Goode	Largent
Cannon	Goodlatte	Latham
Cantor	Goss	LaTourette
Capito	Graham	Leach
Carson (OK)	Graves	Lewis (CA)
Chabot	Green (WI)	Lewis (KY)
Chambliss	Greenwood	Linder
Coble	Grucci	LoBiondo
Collins	Gutknecht	Lucas (KY)
Combest	Hall (OH)	Lucas (OK)
Cooksey	Hall (TX)	Manzullo
Costello	Hansen	Mascara
Cox	Hart	Matheson
Crane	Hastert	McCarthy (NY)
Crenshaw	Hastings (WA)	McCrery
Cubin	Hayes	McHugh
Culberson	Hayworth	McInnis
Cunningham	Hefley	McIntyre
Davis, Jo Ann	Herger	McKeon
Davis, Tom	Hilleary	McNulty
Deal	Hobson	Mica

Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Kolbe
LaFalce
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—7

Hastings (FL)
Hutchinson
Jones (OH)
LaHood
Lipinski
Spence
Stark

□ 1442

Ms. BALDWIN and Mr. PASTOR changed their vote from ''yea'' to ''nay.''

Mr. GARY G. MILLER of California and Mr. RADANOVICH changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS BENEFITS ACT OF 2001

The SPEAKER pro tempore (Mr. GIBBONS). The pending business is the question of suspending the rules and passing the bill, H.R. 2540, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2540, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 301]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)

Weller	Wilson	Young (AK)
Wexler	Wolf	Young (FL)
Whitfield	Woolsey	
Wicker	Wynn	

NOT VOTING—11

Gordon	Lipinski	Stark
Hastings (FL)	Payne	Thompson (MS)
Hutchinson	Riley	Wu
Jones (OH)	Spence	

□ 1453

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 301, H.R. 2540, the Veterans Benefits Act of 2001. Had I been present I would have voted "yea."

HUMAN CLONING PROHIBITION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 214, I call up the bill (H.R. 2505) to amend title 18, United States Code, to prohibit human cloning, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to House Resolution 214, the bill is considered read for amendment.

The text of H.R. 2505 is as follows:

H. R. 2505

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 ''Human Cloning Prohibition Act of 2001''.

SEC. 2. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—HUMAN CLONING

''Sec.
''301. Definitions.
''302. Prohibition on human cloning.

"§ 301. Definitions

''In this chapter:

''(1) HUMAN CLONING.—The term 'human cloning' means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously exisiting human organism.

''(2) ASEXUAL REPRODUCTION.—The term 'asexual reproduction' means reproduction not initiated by the union of oocyte and sperm.

''(3) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.

"§ 302. Prohibition on human cloning

''(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, knowingly—

''(1) to perform or attempt to perform human cloning;

''(2) to participate in an attempt to perform human cloning; or

''(3) to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

''(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, knowingly to import for any purpose an embryo produced by human cloning, or any product derived from such embryo.

''(c) PENALTIES.—

''(1) CRIMINAL PENALTY.—Any person or entity who violates this section shall be fined under this section or imprisoned not more than 10 years, or both.

''(2) CIVIL PENALTY.—Any person or entity that violates any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

''(d) SCIENTIFIC RESEARCH.—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.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Human Cloning ..... 301".

The SPEAKER pro tempore. The amendments printed in the bill are adopted.

The text of H.R. 2505, as amended, is as follows:

H.R. 2505

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 ''Human Cloning Prohibition Act of 2001''.

SEC. 2. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—HUMAN CLONING

''Sec.
''301. Definitions.
''302. Prohibition on human cloning.

"§ 301. Definitions

''In this chapter:

''(1) HUMAN CLONING.—The term 'human cloning' means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously [exisiting] *existing* human organism.

''(2) ASEXUAL REPRODUCTION.—The term 'asexual reproduction' means reproduction not initiated by the union of oocyte and sperm.

''(3) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.

"§ 302. Prohibition on human cloning

''(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, knowingly—

''(1) to perform or attempt to perform human cloning;

''(2) to participate in an attempt to perform human cloning; or

''(3) to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

''(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, knowingly to import for any purpose an embryo produced by human cloning, or any product derived from such embryo.

''(c) PENALTIES.—

''(1) CRIMINAL PENALTY.—Any person or entity [who] *that* violates this section shall be fined under this [section] *title* or imprisoned not more than 10 years, or both.

''(2) CIVIL PENALTY.—Any person or entity that violates any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

''(d) SCIENTIFIC RESEARCH.—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.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Human Cloning ..... 301".

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 107–172, if offered by the gentleman from Virginia (Mr. SCOTT), or his designee, which shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

After disposition of the amendment by the gentleman from Virginia (Mr. SCOTT), it shall be in order to consider the further amendment printed in the report by the gentleman from Pennsylvania (Mr. GREENWOOD), which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes of debate on the bill.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2505, the bill under consideration.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I rise in support of H.R. 2505, the Human Cloning Prohibition Act of 2001. This bill criminalizes the act of cloning humans, importing cloned humans, and importing products derived from cloned humans. It is what is needed, a comprehensive ban against cloning humans. It has bipartisan cosponsorship. It was reported favorably by the Committee on the Judiciary on July 24, and is supported by the Secretary of the Department of Health and Human Services, Tommy J. Thompson, and by President Bush.

Today we are considering more than the moral and ethical issues raised by human cloning. This vote is about providing moral leadership for a watching world. We have the largest and most powerful research community on the face of the Earth, and we devote more money to research and development than any other Nation in the world. Although many other nations have already taken steps to ban human cloning, the world is waiting for the United States to set the moral tone against this experimentation.

Currently in the United States there are no clear rules or regulations over privately funded human cloning. Although the FDA has announced that it has the authority to regulate human cloning through the Public Health Service Act and the Food, Drug and Cosmetic Act, this authority is unclear and has not been tested. The fact of the matter is that the FDA cannot stop human cloning; it can only begin to regulate it. This will be a day late and a dollar short for a clone that is used for research, harvesting organs, or born grotesquely deformed.

Meanwhile, there is a select group of privately funded scientists and religious sects who are prepared to begin cloning human embryos and attempting to produce a cloned child. While they believe this brave new world of Frankenstein science will benefit mankind, most would disagree. In fact, virtually every widely known and respected organization that has taken a position on reproductive human cloning flatly opposes this notion because of the extreme ethical and moral concerns.

Others argue that cloned humans are the key that will unlock the door to medical achievements in the 21st century. Nothing could be further from the truth. These miraculous achievements may be found through stem cell research, but not cloning.

Let me be perfectly clear: H.R. 2505 does not in any way impede or prohibit stem cell research that does not require cloned human embryos. This debate is whether or not it should be legal in the United States to clone human beings.

While H.R. 2505 does not prohibit the use of cloning techniques to produce molecules, DNA cells other than human embryos, tissues, organs, plants, and animals other than humans, it does prohibit the creation of cloned embryos. This is absolutely necessary to prevent human cloning, because, as we all know, embryos become people.

If scientists were permitted to clone embryos, they would eventually be stockpiled and mass-marketed. In addition, it would be impossible to enforce a ban on human reproductive cloning. Therefore, any legislative attempt to ban human cloning must include embryos.

□ 1500

Should human cloning ever prove successful, its potential applications and expected demands would undoubtedly and ultimately lead to a worldwide mass market for human clones. Human clones would be used for medical experimentation, leading to human exploitation under the good name of medicine. Parents would want the best genes for their children, creating a market for human designer genes.

Again, governments will have to weigh in to decide questions such as what rights do human clones hold, who is responsible for human clones, who will ensure their health, and what interaction will clones have with their genealogical parent.

Fortunately, Mr. Speaker, the gentleman from Florida (Mr. WELDON) and the gentleman from Michigan (Mr. STUPAK) have introduced this legislation before a cloned human has been produced.

As most people know, Dolly the sheep was cloned in 1997. Since that time, scientists from around the globe have experimentally cloned a number of monkeys, mice, cows, goats, lambs, bulls and pigs. It took 276 attempts to clone Dolly, and these later experiments also produced a very low rate of success, a dismal 3 percent. Now, some of the same scientists would like to add people to their experimental list.

Human cloning is ethically and morally offensive and contradicts virtually everything America stands for. It diminishes the careful balance of humanity that Mother Nature has installed in each of us. If we want a society where life is respected, we should take whatever steps are necessary to prohibit human cloning.

I believe we need to send a clear and distinct message to the watching world that America will not permit human cloning and that it does support scientific research. This bill sends this message, that it permits cloning research on human DNA molecules, cells, tissues, organs or animals, but prevents the creation of cloned human embryos.

Mr. Speaker, support H.R. 2505. Stop human cloning and preserve the integrity of mankind and allow scientific research to continue.

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

Mr. Speaker, I would like to commend the Members for an excellent debate during the debate on the rule, as well as I hope this one will be constructive. I ask the Members, suppose you learned that you had contracted a deadly disease, Alzheimer's, multiple sclerosis, but the Congress had banned the single most promising avenue for curing the disease. And that is precisely what we will be doing if we pass the Weldon bill in its present form, because it is a sweeping bill.

Let us give it credit. It is half right, it is half wrong. But it is so sweeping that it would not only ban reproductive cloning, but all uses of nuclear cell transfer for experimental purposes. This would stop ongoing studies designed to help persons suffering from a whole litany of diseases. So far-reaching is this measure that it bans the importation even of lifesaving medicine from other countries if it has had anything to do with experimental cloning. What does it mean? If another nation's scientist developed a cure for cancer, it would be illegal for persons living in this country to benefit from the drug.

Question: Does this make good policy? Is this really what we want to do here this afternoon?

Besides that, the legislation would totally undermine lifesaving stem cell research that so many Members in both bodies strongly support. One need not be a surgeon to understand that it is far preferable to replace diseased and cancer-ridden cells with new cells based on a patient's own DNA. We simply cannot replicate the needed cells with adult cells only, and this is why we need to keep experimenting with nuclear cell transfer.

That is why I am trying to give the gentleman from Florida (Mr. WELDON), as much credit as humanly possible. It is half right, it is half wrong; and we are trying, in this debate, to make that correction.

Now, if we really wanted to do something about cloning, about the problem of reproducing real people, then we invite the other side to join with us in passing the Greenwood-Deutsch substitute to criminalize reproductive cloning that will also be considered by the House today, for there is broad bipartisan support on both sides of the aisle for such a proposition, and we could come together and do something that I believe most of our citizens would like.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. HYDE), the distinguished former chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I rise in support of the Weldon-Stupak bill.

Every Member of this House casts thousands of votes in the course of a congressional career. Some of those votes we remember with satisfaction; others we remember with less pleasure. That is the burden we take on ourselves when we take the oath of our office: the burden of decision.

We should feel the gravity of that burden today. For no vote that any of us will ever cast is as fraught with consequence as our vote on whether or not to permit human cloning.

Advances in the life sciences have brought us to a decisive fork in the road. Will our new genertic knowledge and the biotechnologies it helps create, promote healing and genuine human flourishing? Or will we use this new knowledge to remanufacture the human condition by manufacturing human beings?

The first road leads us to a brighter future, in which lives are enhanced and possibilities are enlarged, for the betterment of individuals and humanity. The second road leads us into the brave new world so chillingly described by Aldous Huxley more than 60 years ago; a world of manufactured men and women, designed to someone else's specifications, for someone's else's benefit, in order to fulfill someone else's agenda.

When manufacture replaces begetting as the means to create the human future, the dehumanization of the future is here.

That is what is at stake in this vote. That is what we are being asked to decide today. Are we going to use the new knowledge given us by science for genuinely humane ends? Or are we going to slide slowly, inexorably into the brave new world?

When we succeeded in splitting the atom, an entire new world of knowledge about the physical universe opened before us. At the same time, as we remember all too well from the cold war, our new knowledge of physics, and the weapons it made possible, handed us the key to our own destruction. It continues to take the most serious moral and political reflection to manage the knowledge that physics gave us six decades ago.

Now we face a similar, perhaps even greater, challenge. The mapping of the human genome and other advances in the life sciences have given humanity a range and breadth of knowledge just as potent in its possibility as the knowledge acquired by the great physicists of the mid-twentieth century. Our new knowledge in the life sciences contains within itself the seeds of good—for it is knowledge that could be used to cure the sick and enhance the lives of us all. But, like the knowledge gained by the physicists, the new knowledge acquired by biology and genetics can also be used to do great evil: and that is what human cloning is. It is a great evil. For it turns the gift of life into a product—a commodity.

We have just enough time, now, to create a set of legal boundaries to guide the deployment of the new genetic knowledge and the development of the new biotechnologies so that this good thing—enhanced understanding of the mysteries of life itself—serves good ends, not dehumanizing ends. We have just enough time to insure that we remain the masters of our technology, not its products. We should use that time well—which is to say, thoughtfully. The new knowledge from the life sciences demands of us a new moral seriousness and a new quality of public reflection. These are not issues to be resolved by politics-as-usual, any more than the issue of atomic energy could be resolved by politics-as-usual. These are issues that demand informed and courageous consciences.

As free people, we have the responsibility to make decisions about the deployment of our new genetic knowledge with full awareness of the profound moral issues at stake. The questions before us in this bill, and in setting the legal framework for the future development of biotechnology, are not questions that can be well-answered by a simple calculus of utility: will it "work?" The questions raised by our new biological and genetic knowledge summon us to remember that most ancient of moral teachings, enshrined in every moral system known to humankind: never, ever use another human being as a mere means to some other end. That principle is the foundation of human freedom.

When human life is special-ordered rather than conceived, "human life" will never be the same again. Begetting the human future, not manufacturing it, is the fork in the road before us. Indeed, to describe that fork in those terms is not quite right. For a manufactured human future is not a human, or humane, future.

The world is watching us, today. How the United States applies the moral wisdom of the ages to the new questions of the revolution in biotechnology will set an example, for good or for ill, for the rest of humankind. If we make the decision we should today, in support of Congressman's WELDON's bill, the world will know that there is nothing inexorable about human cloning, and that it is possible for us to guide, rather than be driven by, the new genetics. The world will know that there is a better, more humane way to deploy the power that science has put into our hands.

And the world will know that America still stands behind the pledge of our founding, a pledge to honor the integrity, the dignity, the sanctity, of every human life, as the foundation of our freedom.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin for yielding time.

Mr. Speaker, the manufacture of cloned human beings rightly alarms an overwhelming majority of Americans. Some 90 percent oppose human cloning, according to a recent Time/CNN poll. The National Bioethics Advisory Commission unanimously concluded that "Any attempt to clone a child is uncertain in its outcome, is unacceptably dangerous to the fetus and, therefore, morally unacceptable." That is why this bill prohibits all human cloning.

A partial ban would allow for stockpiles of cloned human embryos to be produced, bought and sold without restrictions. Implantation of cloned embryos, a relatively easy procedure, would inevitably take place. Once cloned embryos are produced and available in laboratories, it is impossible to control what is done with them, so a partial ban is simply unenforceable.

It has been argued that this bill would have a negative impact on scientific research, but this assertion is unsupported, both by the language in the bill and by the testimony received by the Subcommittee on Crime during two hearings. The language in the bill allows for research in the use of nuclear transfer or other cloning techniques used to produce molecules, DNA, cells, tissues, organs, plants or animal. Furthermore, Mr. Speaker, there is no language in the bill that would interfere with the use of in vitro fertilization, the administration of fertility-enhancing drugs, or the use of other medical procedures to assist a woman from becoming or remaining pregnant.

Mr. Speaker, I urge my colleagues to support this legislation and oppose the substitute.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN), a member of the committee.

Ms. LOFGREN. Mr. Speaker, this bill bans human cloning. Almost all of us agree with that. The problem is, the bill does much more. It makes cutting-edge science a crime. It would make somatic cell nuclear transfer a felony.

An egg is stripped of its 23 chromosomes, 46 chromosomes are taken from the cell, say, of a piece of skin, and inserted into the egg. In 2 weeks, there is a clump of cells, undifferentiated, without organs, internal structures, nerves. Each of these cells may grow into any kind of cell, to cure cancer, Parkinson's, Alzheimer's, even spinal cord injuries. Use of one's own DNA for the curing cells avoids the danger of rejection.

Just last week, as reported at the annual meeting at the Society for Neuroscience in New Orleans, stem cells derived from somatic nuclear transfer technology were used with primates, paralyzed monkeys. Astonishingly, the monkeys were able to regain some movement. For paraplegics, this is a bright ray of hope.

Since when did outlawing research to cure awful diseases become the morally correct position? I believe that scientific research to save lives and ease suffering is highly moral and ethical and right. Some disagree and oppose this science. Well, they have the right to disagree, but nobody will force them to accept the cures that science may yield. If your religious beliefs will not let you accept a cure for your child's cancer, so be it. But do not expect the rest of America to let their loved ones suffer without cure.

Our job in Congress is not to pick the most restrictive religious view of science and then impose that view upon Federal law. We live in a Democracy, not a Theocracy.

Vote for the amendment that will save stem cell research and then we can all vote for a bill that bans cloning humans, and only that.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of the Weldon-Stupak bill.

Simply put, cloning another human being, especially for the purpose of conducting experiments on the tiniest form of human being, is wrong. It is clear that it violates a principle that I think we all accept of human individuality and human dignity. That is why it is imperative that all of us support this bill. It is a responsible and reasoned proposal, and it will ensure that we maintain our strong ethical principles. We must have ethical principles to guide scientific research and inquiry.

No one who supports this bill suggests that we stop scientific research. In fact, cloning has been used and should continue to be used to produce tissues. It should not, however, be used to produce human beings.

If we do not draw a clear line now, when will we do so? There are so many very serious questions that human cloning raises, questions about conducting experiments on a human being bred essentially for that purpose; questions about the evils of social and genetic engineering; questions about the rights and liberties of living beings, of human beings.

What about a being that is created in the laboratory and patented as a product? It is still a human being.

There are too many serious questions that human cloning brings to the fore. They all have very serious consequences. The consequences that human cloning raises are all ethical questions. For us to move forward and allow science to be conducted without ethical and moral intervention is just crazy.

We need nothing short of a full and clear ban on human cloning; otherwise, we are not promoting responsible scientific inquiry, we are promoting bad science fiction and making it a reality.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, I intend to vote against the underlying bill and against the alternative as well, because I do not believe that I know what I need to know before casting a vote of such profound consequence. I am not ready to decide the intricate and fundamental questions raised by this legislation on the basis of a single hearing held on a single afternoon at which the subcommittee heard only 5 minutes of testimony from only four witnesses, a hearing which many Members, myself included, were not even able to attend.

Proponents of the bill have warned, and I speak to the underlying bill, that this is but the ''opening skirmish of a long battle against eugenics and the post-human future.'' They say that without this sweeping legislation, we will make inevitable the cloning of human beings, which I believe everyone in this Chamber deplores.

Supporters of the substitute respond that the bill is far broader than it needs to be to achieve its objective, and that a total ban on human somatic cell nuclear transfer could close off avenues of inquiry that offer benign and potentially lifesaving benefits for humanity.

□ 1515

They may both be right, but both bills have significant deficiencies.

The underlying bill raises the specter of subjecting researchers to substantial criminal penalties. It even goes so far as to create a kind of scientific exclusionary rule that would deny patients access to any lifesaving breakthroughs that may result from cloning research conducted outside of the United States. To continue the legal metaphor, it bars not only the tree but the fruit, as well. This seems to me to be of dubious morality.

The substitute would establish an elaborate registration and licensing regime to be sure experimenters do not cross the line from embryonic research to the cloning of a human being. Not only would that system be impossible to police, but it fails to address the question of whether we should be producing cloned human embryos for purposes of research at all.

I find this issue profoundly disturbing. I believe the issue deserves more than a cursory hearing and a 2-hour debate. It merits our sustained attention, and it requires a characteristic which does not come easily to people in our profession: humility and patience.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH), who will show how bipartisan support is for this bill.

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

Mr. Speaker, the pro-life pro-choice debate has centered on a disagreement about the rights of the mother and whether her fetus has legally recognized rights. But in this debate on human cloning, there is no woman. The reproduction and gestation of the human embryo takes place in the factory or laboratory; it does not take place in a woman's uterus.

Therefore, the concern for the protection of a woman's right does not arise in this debate on human cloning. There is no woman in this debate. There is no mother. There is no father. But there is a corporation functioning as creator, investor, manufacturer, and marketer of cloned human embryos. To the corporation, it is just another product with commercial value. This reduces the embryo to just another input.

What we are discussing today in the Greenwood bill is the right of a corporation to create human embryos for the marketplace, and perhaps they will be used for research, perhaps they will be just for profit, all taking place in a private lab.

But is this purely a private matter, this business of enucleating an egg and inserting DNA material from a donor cell, creating human embryos for research, for experimentation, for destruction, or perhaps, though not intended, for implantation? Is this just a matter between the clone and the corporation, or does society have a stake in this debate?

We are not talking about replicating skin cells for grafting purposes. We are not talking about replicating liver cells for transplants. We are talking about cloning whole embryos. The industry recognizes there is commercial value to the human life potential of an embryo, but does a human embryo have only commercial value? That is the philosophical and legal question we are deciding here today.

The Greenwood bill, which grants a superior cloning status to corporations, would have us believe that human embryos are products, the inputs of mechanization, like milling timber to create paper, or melting iron to create steel, or drilling oil to create gasoline. Are we ready to concede that human embryos are commercial products? Are we ready to license industry so it can proceed with the manufacturer of human embryos?

If this debate is about banning human cloning, we should not consider bills which do the opposite. The Greenwood substitute to ban cloning is really a bill to begin to license corporations to begin cloning. Though the substitute claims to be a ban on reproductive cloning, it makes this nearly possible by creating a system for the manufacturer of cloned embryos. It does not have a system for Federal oversight of what is produced and does not allow for public oversight. The substitute allows companies to proceed with controversial cloning with nearly complete confidentiality.

Cloning is not an issue for the profit-motivated biotech industry to charge ahead with; cloning is an issue for Congress to consider carefully, openly, and thoughtfully. That is why I support the Weldon bill. I urge that all others support it as well.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. NADLER), a senior member of the Committee on the Judiciary.

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

We all agree that the cloning of human beings should be banned. The cloning of individual cells is a different matter. We know that stem cells have the potential to cure many diseases, to save millions of lives, to enable the paralyzed to walk and feel again, potentially even to enable the maimed to grow new arms and legs.

We also know that nuclear cell transfer, cloning of individual cells, may be the best or only way to allow stem cell therapy to work to cure diseases, because by using stem cells produced by cloning one of the patient's own cells, we can avoid the immunological rejection of the stem cells used to treat the disease.

Why should we prohibit, as this bill does, the cloning of cells? Why should we prohibit the research to lead to these kinds of cures? Only because of the belief that a blastocyst, a clump of cells not yet even an embryo, with no nerves, no feelings, no brain, no heart, is entitled to the same rights and protections as a human being; that a blastocyst is a human being and cannot be destroyed, even if doing so would save the life of a 40-year-old woman with Alzheimer's disease.

I respect that point of view, but I do not share it. A clump of cells is not yet a person. It does not have feelings or sensations. If it is not implanted, if it is not implanted in a woman's uterus, it will never become a person. Yes, this clump of cells, like the sperm and the egg, contains a seed of life; but it is not yet a person.

To anyone wrestling with this issue, I would point them to the comments of the distinguished senior Senator from Utah who is very much against choice and abortion, who has come out in strong support of stem cell research because he recognizes that a blastocyst not implanted in a woman's uterus is very different than an embryo that will develop into a person.

If one is pro-choice, one cannot believe a blastocyst is a human being. If they did, they would not be for choice. If one is anti-choice, one may believe, with Senators HATCH and STROM THURMOND, what I said a moment ago, that a clump of cells in a petri dish is not the same as an embryo in a woman.

But as a society we have already made this decision. We permit abortion. We permit in vitro fertilization, which creates nine or 10 embryos, of which all but one will be destroyed. We must not say to millions of sick or injured human beings, go ahead and die, stay paralyzed, because we believe the blastocyst, the clump of cells, is more important than you are.

Let us not go down in history with those bodies in the past who have tried to stop scientific research, to stop medical progress. Let us not be in a position of saying to Galileo, the sun goes around the world and not vice versa. That is what this bill does.

It is easier to prevent a human being from being cloned, to put people in jail if they try to do that. It is not a slippery slope. One cannot police the hundreds and thousands of biological labs which can produce clones of cells. Much easier to police the cloning of human beings. The slippery slope argument does not work.

Let us not put a stop to medical progress and to human hope.

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

Mr. Speaker, the last two speakers, both of whom were on the Democratic side of the aisle, show very clearly the difference in values that are being enunciated in the two bills before the House today.

On one hand, we hear support for the Greenwood bill, which really allows the FDA to license an industry for profit and clone human embryos.

On the other hand, we hear those in favor of the Weldon bill, myself included, who say that we ought to ban the cloning of human embryos and the experimentation thereon.

This is a question of values. I would point out that the previous speaker, the gentleman from New York, during the Committee on the Judiciary debate, said, ''I have no moral compunction about killing that embryo for therapeutic or experimental purposes at all.''

Mr. Speaker, I think those who are interested in values should vote against Greenwood and should vote in favor of the Weldon bill.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, science is a wonderful thing. Who would have thought that polio could be cured or men could go to the Moon even a century ago?

But with the power that comes from science, we must also be ethical and exercise responsibility. The Nazis tried to create a race of supermen through the science of eugenics. They tried to create a perfect human being the same way a breeder creates a championship dog. That was immoral. We stopped it, and it has not been tried again since.

Now we have some scientists who want to create cloned human beings, some saying a cloned baby could be born as soon as next year. This is a frightening and gruesome reality. Mr. Speaker, there is no ethical way to clone a human being. If we were to allow it at all, we would have to choose between allowing them to grow and be born or killing them, letting them die. This is a line we should not cross.

The simple question is: Is it right or wrong to clone human beings? Eighty-eight percent of the American people say it is wrong. The point is that even in science, the ends do not justify the means. The Nazis may in fact have been able to create a race of healthier and more capable Germans if they had been allowed to proceed, but eugenics and cloning are both wrong.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

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

Mr. Speaker, the distinguished chairman says that this bill, the distinction between those of us who support the Greenwood bill or support the Weldon bill is a matter of values.

I agree. Some of us believe that a clump of cells not implanted in a woman's uterus, and Senator HATCH agrees, do not have the same moral right and value as a person who is suffering from a disease; that it is our right and our duty to cure human diseases, to prolong human life. We value life.

A human being is not simply a clump of cells. At some point, that clump of cells may develop into a fetus and a human being; but the clump of cells at the beginning does not have the same moral value as a person. If one believes that, they should vote with us. If they do not, then they probably will not.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), who had an excellent discussion during the Committee on Rules.

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

Mr. Speaker, this is a matter of values. It is a matter of how much one values our ability to end human suffering and to cure disease.

No one in this House should be so arrogant as to assume that they have a monopoly on values, that their side of an argument is the values side and the other's is not. This is a matter of how much we value saving little children's lives and saving our parents' lives.

There has been talk on the floor about creating embryo factories. Most of that talk I think has been conducted by people who do not understand the first thing about this research.

Here is how one could create an embryo factory. We would get a long line of women who line up in a laboratory and say, would you please put me through the extraordinarily painful process of superovulation because I would like to donate my eggs to science.

Does anybody think that is going to happen? Of course it is not going to happen. We are going to take this research, and this research involves a very small handful of cells. In the natural world, every day millions of cells, millions of eggs, are fertilized, and they do not adhere to the wall of the uterus. They are flushed away. That is how God does God's work.

In in vitro fertilization clinics, every day thousands of eggs are fertilized,

and most of them are discarded. That is the way loving parents build families who cannot do it otherwise. No one is here to object to that. Thousands of embryos are destroyed.

We are talking about a handful, a tiny handful of eggs that are utilized strictly for the purpose of understanding how cells transform themselves from somatic to stem and back to somatic, because when we understand that, we will not need any more embryonic material. We will not need any cloned eggs. We will have discovered the proteins and the growth factors that let us take the DNA of our own bodies to cure that which tortures us.

That is the value that I am here to stand for, because I care about those children, and I care about those parents, and I care about those loved ones who are suffering.

I am not prepared as a politician to stand on the floor of the House and say, I have a philosophical reason, probably stemmed in my religion, that makes me say, you cannot go there, science, because it violates my religious belief.

□ 1530

I think it violates the constitution to take that position.

And on the question of whether or not we can do stem cell research with the Weldon bill in place, I would quote the American Association of Medical Colleges. It says, ''H.R. 2505 would have a chilling effect on vital areas of research that could prove to be of enormous public benefit.'' The Weldon bill would be responsible for having that chilling effect on research.

The Greenwood substitute stops reproductive cloning in its tracks, as it ought to be stopped, but allows the research to continue, and I would advocate its support.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. KERNS), who is an author of the bill.

Mr. KERNS. Mr. Speaker, I thank the gentleman for yielding me this time, and I come to the floor of this House today to urge my colleagues to support H.R. 2505, the Human Cloning Prohibition Act of 2001. Today we take an important step in the process to ban human cloning in the United States.

I commend the leadership of the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), as well as the coauthors, the gentleman from Florida (Mr. WELDON), the gentleman from Michigan (Mr. STUPAK), and the gentleman from Ohio (Mr. KUCINICH), because this is a bipartisan bill. I also appreciate the support and the efforts of the Committee on the Judiciary in recognizing the important nature of this issue and making it a priority and moving it to the floor for consideration.

I am very pleased to be an original coauthor of this timely and important piece of legislation. As I said earlier today, human cloning is not a Republican or a Democrat issue, it is an issue for all of mankind. The prospect of cloning a human being raises serious moral, ethical, and human health implications. Other countries around the globe look to us for leadership, not only on this but on other important pressing issues, and I think we have a responsibility to take a stand and take a leadership position. That stand should reflect the respect for human dignity envisioned by our Founding Fathers.

Human cloning: what once was said to be impossible could become a reality if we do not take action today. I have spent a great deal of time back home in Indiana traveling up and down the highways and byways, attending county fares, fire departments, little fish fries, church suppers; and I can tell my colleagues that overwhelmingly those people that I represent in Indiana are concerned at our racing towards cloning human beings. They have asked me to help with this effort to ban human cloning. I have received calls from all across the country from those that are concerned about this issue.

As we have heard today, most Americans are opposed to the re-creation of another human being. I am told overwhelmingly that it is our responsibility not only here in this body and at home but around the world that we move to enact this ban.

Mr. Speaker, let me close by saying this: I believe that God created us, and I do not believe we should play God. I urge my colleagues to support our legislation to ban human cloning.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I, like the gentleman from Massachusetts (Mr. DELAHUNT), want to say right off the bat that none of us believe in cloning of human beings. Nobody on either side. We get this values argument. None of us believe in that. So stop that.

The second thing is that we are here today to talk about a political issue. This is not a scientific issue. I am a doctor, and we will have another doctor get up here and tell us a lot of doctor stuff, but the real issue is a political one here.

We are like the 16th century Spanish king who went to the Pope and asked him if it was all right for human beings to drink coffee. The coffee bean had been brought from the New World. It had a drug in it that made people get kind of excited and it was a great political controversy about whether or not it was right to drink coffee. And so the Spanish king went to the Pope and said, Pope, is it all right. Well, we had that just the other day, and the Pope said, this is not right.

The Pope also told Galileo to quit making those marks in his notebook. The Earth is the center of the universe, he said. We all know that. The Bible says it. What is it this stuff where you say the sun is the center of our universe? That is wrong.

Now, here we are making a decision like we were the house of cardinals on a religious issue when, in fact, scientists are struggling to find out how human beings actually work. We have mixed stem cells together with cloning all to confuse people. Everybody on this floor knows that the best way to stop something is to confuse people, and we have had confusion on this issue because basically people want it to be a value-laden issue that attracts one group of voters against others. That is all this is about, all this confusion.

This business about a few cells and working and figuring out how we can deal with diseases that affect everybody in this room, there is nobody who does not know somebody with juvenile diabetes or Alzheimer's disease or has had a spinal cord injury and is unable to walk, or who has Parkinsonism. There is nobody here. And my dear friends putting this bill forward say there is no way, no matter how it happens, that we want to help them if it involves a human cell.

Now, my good friend, the gentleman from Florida (Mr. WELDON) is going to get up here and tell us we have a section in this bill that says scientific research is not stopped. Read it. It says we can use monkey cells and put them into people who have Alzheimer's, or we can use hippopotamus cells and put them into people who have diabetes, but we cannot use a human cell. And even more so if the British or the Germans, who are more enlightened, do it and we bring it over. If the doctor gets the material from Germany or from England or some other place and gives it to my colleague's mother, he is subject to 10 years in prison and a fine of not less than $1 million running up to twice whatever the value of it is.

Now, the gentleman from Wisconsin (Mr. SENSENBRENNER) is upset that there is licensing in the amendment, which I will vote for; not because I think we need it but because we have to have it as an antidote to this awful piece of legislation that is here. But the gentleman from Wisconsin says the free enterprise system is here. I thought he believed in the free enterprise system. Would the gentleman want that bill to say let us give it to the National Institutes of Health to make money; make it a government program? No, no, no, he would not want that. Well, who is going to manufacture this if it comes some day to that point? It says the NIH can license at some point down the road.

Mr. Speaker, I think that the Greenwood amendment is necessary to stop

this papal event that we are having here today.

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

Mr. Speaker, it is time to clarify the record after this last speech. Number one, there is nothing in the Weldon bill that prevents the use of adult stem cells or stem cells from live births, including umbilical cords and placentas from being used for the research that the gentleman describes.

The gentlewoman from California (Ms. LOFGREN) talked about a Yale study. I have the Yale Bulletin Calendar of December 1, 2000 about the research on monkeys that were used to cure a spinal cord injury. Those were adult stem cells. They would be completely legal under this bill.

Then we have heard from the gentleman from Washington State (Mr. MCDERMOTT), who seems to think we are having a religious seance here. The fact of the matter is there have been a number of things that are in derogation of the free enterprise system that this Congress and the people of the country have banned, including slavery. And I think that perhaps the time has come to ban the cloning of human embryos.

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

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time. I think and I hope that Members will support the Weldon bill and oppose the Greenwood amendment.

Mr. Speaker, this is not about making fun of the Pope or making fun of the Bible. This is not about politics. It is not even about stem cell research. This is about a very real problem in this country, a potential problem, and that is cloning human beings. The connotations of this debate raise very broad and disturbing questions for our society.

So-called therapeutic cloning crosses a very bright-line ethical boundary that should give all of us pause. This technique would reduce some human beings to the level of an industrial commodity. Cloning treats human embryos, the basic elements of life itself, as a simple raw material. This exploitive unholy technique is no better than medical strip-mining.

The preservation of life is what is being lost here. The sanctity and precious nature of each and every human life is being obscured in this debate. Cloning supporters are trading upon the desperate hopes of people who struggle with illness. We should not draw medical solutions from the unwholesome well of an ungoverned monstrous science that lacks any reasonable consideration for the sanctity of human life.

Now, some people would doubtlessly argue if we use in vitro fertilization to help infertile couples create life, then we ought to allow scientists the latitude to manufacture and destroy embryos to produce medical treatments. But these are far from the same thing. Cloning is different from organ transplantation. Cloning is different from in vitro fertility treatments.

Cloning is an unholy leap backwards because its intellectual lineage and justifications are evocative of some of the darkest hours during the 20th century. We should not stray down this road because it will surely take us to dark and unforeseen destinations.

Human beings should not be cloned to stock a medical junkyard of spare parts for experimentation. That is wrong, unethical, and unworthy of an enlightened society.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes.

I rise to merely point out to the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), that he may be over-reliant on adult stem cells as a viable alternative to embryonic stem cells, and I would like to explain why.

A National Institute of Health study examined the potential of adult and embryonic stem cells for curing disease, and they found that the embryonic stem cells have important advantages over adult stem cells. The embryonic stem cells can develop into many more different types of cells. They can potentially replace any cell in the human body. Adult stem cells, however, are not as flexible as embryonic ones. They cannot develop into many different types of cells. They cannot be duplicated in the same quantities in the laboratory. They are difficult and dangerous sometimes to extract from an adult patient. For instance, obtaining adult brain stem cells could require life-threatening surgery.

So the NIH found in its study that therapeutic cloning would allow us to create stem cell medical treatments that would not be rejected by the patient's immune system, because they have the patient's own DNA.

So for whatever it may be worth, I refer this study to my good friend, the chairman.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1½ minutes, again just to clarify the record.

I am certain that the study of the gentleman from Michigan is a very valuable one. The fact is that it is not in point to this debate. This bill does not prevent research on embryonic stem cells. What it does do is it prevents research on cloned embryonic stem cells. There is a big difference.

Secondly, once again going back to the adult stem cell research that was referred to by the gentlewoman from California (Ms. LOFGREN), at Yale University, those were adult stem cells. She brought the issue up. We did not. Those were adult stem cells. And if they were human stem cells, they would not be banned by this bill.

□ 1545

Now, finally, adult stem cells are already being used successfully for therapeutic benefits in humans. This includes treatments associated with various types of cancer, to relieve systemic lupus, multiple sclerosis, rheumatoid arthritis, anemias, immunodeficiency disease, and restoration of sight through generation of corneas.

Further, initial clinical trials have begun to repair heart damage using the patient's own adult stem cells. Somehow the word is out that adult stem cells are no good. I think this very clearly shows that adult stem cells are very useful for research, and furthermore, the bill does allow research on embryonic stem cells, just not the cloned ones.

Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, here we are in the U.S. Congress talking about somatic cell nuclear transfer and I think it is deeply rewarding to see how fast Members of Congress can get up to speed on complex, complicated issues.

Let me say that I am strongly, strongly pro-choice. I am also strongly in favor of stem cell research. But I view these as very separate issues. With all the scientists that I have spoken with, there are no laboratories which are currently using a human model for somatic cell nuclear transfer. In fact, the NIH rules on stem cell research, the same rules that we, as Democrats, have been strongly advocating, these rules, III, specific item D, specifically prohibits the technology that we are banning today. Research in which human pluripotent stem cells are derived using somatic cell nuclear transfer. These are the rules that we have been advocating.

Let me say that ultimately this is not an issue of science or biology. Almost exactly 30 years ago in May of 1971 James D. Watson, of Watson and Crick DNA fame, said that some day soon we will be able to clone human beings. This is too important a decision to be left to scientists and the medical specialists. We must play a role in this.

This is what this Congress is doing today. This is about the limits of human wisdom and not about the limits of human technology. The question that we must ask ourselves is whether it is proper to create potential human life for merely mechanistic purposes.

Mr. CONYERS. Mr. Speaker, I yield myself 25 seconds to point out to my dear friend, the chairman of the committee, that it was the University of Wisconsin where we first isolated embryonic stem cells.

This bill before us would render their path-breaking research to be worthless.

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

Ms. LOFGREN. Mr. Speaker, the Committee on the Judiciary and the Speaker received a letter signed by 44 scientific institutions and this is what they said:

> This bill bans all use of cloning technology including those for research where a child cannot and will not be created. Therefore, this legislation puts at risk critical biomedical research that is vital to finding the cures for disease and disabilities that affect millions of Americans. Diabetes, cancers, HIV, spinal cord injuries and the like are likely to benefit from the advances achieved by biomedical researchers using therapeutic cloning technology.

This was signed by the American Academy of Optometry, the American Association for Cancer Research, the American Association of American Medical Colleges, the Association of Professors of Medicine, the Association of Subspecialty Professors, Harvard University, the Juvenile Diabetes Research Foundation International, and the Medical College of Wisconsin.

I will take my advice on medicine and research from the scientists, not from the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself another 30 seconds.

The statement that the gentlewoman from California (Ms. LOFGREN) mentioned, did not say why they need to have cloned embryonic stem cells. I think we are talking about two different things here.

What this bill does is, it prohibits research on cloned embryonic stem cells, not on uncloned embryonic stem cells.

If there is a shortage of uncloned embryonic stem cells, I would like the people on the other side to let the House know about it. We have had not one scintilla of evidence either in this debate or the hearings or markup on the Committee on the Judiciary.

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

Mr. WELDON of Florida. Mr. Speaker, I just want to clarify a few things about my legislation. It is a pretty short bill. It has four pages and I would encourage anybody who has any uncertainty about this issue to take the time to read it.

I specifically want to refer them to section 302(d). It says, under Scientific Research, nothing in this section restricts areas of scientific research not specifically prohibited by this section.

What they are talking about there is somatic cell nuclear transfer to create an embryo as was used to create Dolly.

I go on in this section to say, nothing specifically prohibiting, 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. Basically what this means is all the scientific research that is currently going on today can continue.

What cannot continue is what people want to start doing now. It is not being done, but they want to start doing it; and that is to create cloned human embryos for the purpose of research.

Now, there are people putting forward this notion that if we were able to go ahead with this, all these huge breakthroughs would occur. I want to reiterate, I am a doctor. I just saw patients a week ago. I have treated all these diseases. I have reviewed the medical literature. It is real pie in the sky to say there are going to be all these huge breakthroughs.

I have a letter from a member of the biotech industry, and I just want to read some of it. It says, ''I am a biotech scientist and founder of a genomic research company. As a scientist and cofounder and officer of the Biotechnology Association of Alabama that is an affiliate of the Biotechnology Industry Association, BIO, the group that is opposing my language,'' he says, ''there is no scientific imperative for proceeding with this manipulation of human life, and there are no valid or moral justifications for cloning human beings.''

Mr. Speaker, I can state that is indeed the case.

I further want to dismiss this notion that has been put forward by some of the speakers here in general debate that a cloned human embryo is somehow not alive or it is not human. There is just literally no basis in science to make that sort of a claim. I did my undergraduate degree in biochemistry. I studied cell biology, and I did basic research in molecular genetics.

I have a quote from another scientist that I would be happy to read. ''There is nothing synthetic about cells used in cloning.'' This is a researcher from Princeton. He says, ''An embryo formed from human cloning is very much a human embryo.''

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the scientific research exception is meaningless. It allows for research, except that which is not specifically prohibited. If Members read section 301 of the bill, it prohibits somatic cell nuclear transfer, so any kind of representation that research is accepted is incorrect. It is tautological and it is bogus.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I would answer two things that were said, one by the gentleman from Wisconsin (Mr. SENSENBRENNER) when the gentleman stated that this did not speak at all about cloning, it only spoke about stem cell research.

The point is that it may very well be true that once stem cell research is exploited and we know how to cure diseases or give people back the use of their arms and legs through stem cells, it may very well be true that that can only be done by the use of cloned stem cells in order to get around the rejection by the patient of stem cells from somebody else. It may be necessary to use the patient's own cloned stem cells.

The second point is in answer to what the gentleman from Florida (Mr. WELDON) said. The point is, we do not know a lot of things. We do not know exactly what scientific research will show. We do not know exactly what adult stem cells can do, what embryonic stem cells can do, or cloned stem cells can do.

That is why it is a sentence of death to millions of Americans, to ban medical research which is what my colleagues are trying to do with this bill.

Mr. SENSENBRENNER. Mr. Speaker, I have one remaining speaker, so I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I rise in opposition to the base bill and in support of the substitute, the Greenwood-Deutsch substitute.

Generally speaking, there are three types of stem cell research. There is adult stem cell research which shows great promise, but with limitations in that adult stem cells cannot be differentiated into each and every type of cell.

There is embryonic stem cell work which shows even more promise because it does have the ability to be differentiated into a variety of stem cell lines for therapy and treatment.

But perhaps the most promising is embryonic stem cell research that employs the technique of somatic cell nuclear transfer. The primary benefit of this research and therapy is simple: It is not rejected by the patient. What that means for a child who is diabetic, you can use that child's own DNA, place it into a fertilized egg, develop Islet cells that will help that child produce insulin with the benefit it will not be rejected by the child.

What we are saying, if we allow stem cell research but we prohibit the research in this bill, we are saying we will allow stem cell research, but only if the patient will reject the therapy. What sense does that make when the substitute prohibits cloning for reproduction, prohibits the implantation of a fertilized egg with a donated set of DNA into a uterus for the purpose of giving birth to a child? That is prohibited under both bill and substitute.

But we need the research. We are losing scientists who are going overseas to conduct this research. The base bill even precludes us from benefiting from the research done in other countries. This cannot be allowed to go on.

Mr. Speaker, this is important to all of our futures. We must preserve this

vital science research. I urge adoption of the substitute and rejection of the base bill.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, everyone in this Chamber agrees, and we have been here for about an hour and three-quarters, everyone in this Chamber agrees that we should ban human cloning, period. Everyone. There is consensus here.

Mr. Speaker, both pieces of legislation do that, but there is a divergence. The Weldon bill goes further to ban the somatic cell nuclear transfer. I would like to focus in response to what has been going on in the debate.

There is no longer a debate about stem cell research. This Congress collectively, both the House and the other body and the American people have made a decision. Whether the President has made his decision or not is irrelevant. The Congress and the American people have made our decision that we want to continue embryonic stem cell research. We collectively, as Americans, understand that issue, and it will continue regardless of what the President decides on this issue. My colleagues know that and understand that.

Let us talk about why there is a serious debate about it, though, and why I take it very seriously as well. When you have an egg and a sperm joining and the potentiality is to create a new unique human being, there are ethical issues involved regarding a transcendental event that could occur in the creation of a unique soul. That is what people find troubling and should find troubling, and should think about it and understand it.

Yet we understand the other issues and collectively we have made our decision that we are willing, that we want to continue with embryonic stem cell research because of the issues that we have talked about.

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But let us talk about what somatic nuclear transfer is all about. It is not about that sperm and egg joining together. It is not about the potentiality to create a unique human being. It is not about a transcendental event that could occur. It is not about all those issues that some people correctly have struggled with and have come to conclusions and significant, serious moral-ethical issues.

What is going on here? What is going on here is an egg where the DNA is taken out, 23 chromosomes taken out from literally trillions of cells, trillions of cells, not billions, trillions of cells. Within the human body, one cell is taken out and 46 chromosomes are implanted. Not to create life, not to create an embryo, but to continue life, to save life for literally tens of millions of people, for potentially everyone in this Chamber and everyone in the country.

None of us know who is going to be stricken by one of these horrific diseases. No one knows who is going to get Alzheimer's or Parkinson's or cancer. It literally could be any of us in this Chamber or anyone watching on C-SPAN. It could be any of us. If we think about that, it could be any of us who have relatives, loved ones, who have these horrific diseases. Yet what this legislation would do would be to stop the research, to take one of those trillions of cells in the body, take out 46 chromosomes, put it in, so that you could survive, so that someone who is a quadriplegic could walk, so that someone who has Alzheimer's. We have heard Nancy Reagan speak directly about the stem cell research, I think a woman who is universally loved everywhere in this country and her husband whom I think is universally loved as well.

This chart remains up here. I have put it up here, because the numbers are 24 million. For diabetes, 15 million people, not just numbers; 6 million Alzheimer's, 1 million Parkinson's. People. People. People. Individuals.

Again, I ask my colleagues, this should not be a difficult issue. We should reject the bill and approve the substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in opposition to the substitute and in support of the gentleman from Florida's Human Cloning Prohibition Act.

Members in opposition are using the substitute amendment and are trying to confuse the issue with medical research and stem cell research. The underlying bill bans cloning human beings. It is straightforward and narrowly drawn. It prohibits somatic cell nucleus transfer. The underlying bill does nothing to hinder medical research and in fact, it specifically permits technology to clone tissue, DNA, and non-embryonic cells in humans, and cloning of plants and animals.

I urge my colleagues not to confuse a straightforward ban on banning cloning of human beings, with medical research. H.R. 2505 would prohibit human cloned embryos from being used as human guinea pigs. Without this legislation, human life could be copied, manufactured in a laboratory, in a petri dish. Cloned embryos would be devoid of all sense of humanity, treated as objects. The mass production of human clones solely for the purpose of human experimentation demeans us all.

The simple, most effective, way to stop this process is to ban it. In the area of human embryo cloning, the end does not justify the means.

I urge the defeat of the substitute and the adoption of H.R. 2505.

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

The SPEAKER pro tempore (Mr. QUINN). The gentleman from New Jersey (Mr. SMITH) is recognized for 4 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, late last week Washington Post columnist Charles Krauthammer called Congressman GREENWOOD's legislative approach to human cloning ''a nightmare of a bill.'' He went on to write that the Greenwood substitute ''sanctions, licenses and protects the launching of the most ghoulish and dangerous enterprise in modern scientific history: the creation of nascent cloned human life for the sole purpose of its exploitation and destruction.''

Charles Krauthammer, Mr. Speaker, nailed it precisely.

The Greenwood substitute would for the first time in history sanction the creation of human life with the demand, backed by new Federal criminal and civil sanctions, that the new life be destroyed after it is experimented upon and exploited. For the small inconvenience of registering your name and your business address, you would be licensed to play God by creating life in your own image or someone else's. You would have the right to create embryo farms, headless human clones, or anything else science might one day allow to be created outside the womb; and in the end only failure to kill what you had created would be against the law.

A few moments ago, the gentleman from Florida (Mr. DEUTSCH) said that cloning doesn't result in the creation of a unique human being. That's ludicrous. That is exactly what the Weldon bill speaks to. That unique human being that would be created if left unfettered and untouched would grow, given nourishment and nurturing, into a baby, a toddler into an adolescent adulthood and right through the continuum of life. That is what we are talking about. Mr. WELDON's bill doesn't preclude other potentially legislative processes.

Mr. Speaker, amazingly the only new crime created by the Greenwood amendment is the failure to kill all human lives once they are created. Federal law would say that it is permissible to create as many human lives as you want to for research just so long as you eventually kill them. That, my colleagues, is the stated intent of the Greenwood substitute. And Mr. Greenwood's substitute would not even stop the birth of a human clone, which it purports to do. Because his approach would encourage the creation of cloned human embryo stockpiles and cloned human embryo farms, it would make the hard part of human cloning completely legal and try to make the relatively easy part, implantation, illegal.

So once these cloned human embryos are stockpiled in a lab, Mr. Speaker,

who, or what is going to stop somebody from implanting one of those cloned humans? The Greenwood substitute has no tracking provisions. Greenwood would open pandora's box and verification would be a joke.

The bottom line is this, Mr. Speaker, the Greenwood substitute permits the cloning of human life to do anything you would like to for research purposes just as long as you kill that human life. Mr. Speaker, to implement this debate some Members have taken to the well to say that everybody is against human cloning. Oh really? Just because we say it's so doesn't make it necessarily so. The simple—and sad—fact of the matter is that Greenwood is pro-cloning. The Weldon bill, the underlying bill, would end human cloning and would prescribe certain criminal as well as civil penalties for those who commit that offense.

We are really at a crossroads, Mr. Speaker. This is a major ethical issue. And make no mistake about it I want to find cures to the devastating disease that afflicts people. I am cochairman of the Alzheimer's Caucus. I am cochairman of the Autism Caucus. I chair the Veterans Committee and have just today gotten legislation passed to help Gulf War Vets. I believe desperately we have got to find cures. But creating human embryos for research purposes is unethical, it is wrong, and it ought to be made illegal.

I hope Members will support the Weldon bill and will vote ''no'' on the substitute when it is offered.

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to H.R. 2505, the Human Cloning Prohibition Act and in support of the Greenwood-Deutsch substitute.

I am absolutely opposed to reproductive human cloning. Reproductive human cloning is morally wrong and fundamentally opposed to the values held by our society. I am sure that every Member in this chamber today agrees, that reproductive human cloning should be banned. That conclusion is easy to come by Mr. Speaker, however, this debate, unfortunately, is not so simple.

Today we are considering a complex issue, and I share the concerns raised by several other Members that the House is rushing to judgment. We have had too little time to debate and consider the merits and implications that Mr. WELDON'S bill and Mr. GREENWOOD'S substitute present. The Weldon bill and the Greenwood Substitute ban reproductive human cloning and both set criminal penalties for those who violate such a ban. But the similarities end there. Mr. WELDON'S bill goes too far, including banning therapeutic cloning for research or medical treatment, while the Greenwood substitute allows an exception regarding therapeutic cloning. The Weldon bill would ban all forms of cloning, and in essence, stop all research associated with it, just as we are beginning to see the first fruits of biomedical research. By supporting the Greenwood alternative, we have the opportunity to ban reproductive cloning while allowing important research to continue.

As a member of the Science Committee and as a Representative from the Research Triangle Park region, I understand the importance of the research that our scientists are conducting. This research has the potential to save the lives of hundreds of thousands of North Carolinians, Americans, and people throughout the globe who suffer from debilitating and degenerative diseases. We are on the verge of a significant return on our biomedical research investment. Indeed, our scientists may one day solve the mysteries of disease as the result of work involving therapeutic cloning technology. We must not allow this opportunity to pass by us.

Mr. Speaker, let me be clear, I support banning reproductive human cloning, and I will continue to oppose any type of cloning that would attempt to intentionally create a human clone. However, I also support the important biomedical research that our nation's scientists are nobly conducting today. I cannot support a bill that denies those scientists, and the people whose lives they are working to improve, a chance to find a cure.

The door of opportunity to cure diseases, that have puzzled us since the beginning of medicine is now beginning to open. And while the full promise of biomedical research remains many years away from being realized, there is that opportunity, that hope, that we can find a cure for cancer, diabetes, heart disease, Parkinson's disease, spinal cord injuries, and many other illnesses. Mr. Speaker, I oppose H.R. 2505 because it would stifle important research and decrease the potential for new life-saving medical treatments. The Greenwood substitute strikes a careful balance between banning the immoral and unsafe practice of reproductive human cloning, while at the same time promoting important biomedical research.

I urge my colleagues to oppose H.R 2505 and support the Greenwood substitute.

Mr. BLUMENAUER. Mr. Speaker, today's debate has much less to do with ''cloning'' human beings and everything about denying legitimate and important stem cell research. I am concerned that we are getting ahead of ourselves. The issue of stem cell research and its various clinical applications is incredibly complex and the technology very new. There is also the concern that other political issues, such as abortion, are really driving this debate. Until we can tame the rhetoric and focus on the underlying issues, we should not limit legitimate scientific research.

I will vote for the Greenwood/Deutsch amendment because it was better than the underlying bill, not because it represents a good long-term policy.

Ms. KILPATRICK. Mr. Speaker, I rise in opposition to H.R. 2505 offered by Mr. WELDON and in support of the alternative bill offered by Mr. GREENWOOD. We must not ban vital research and treatment for millions of suffering people. H.R. 2505 will severely limit the advancement of medical discovery and vital research.

There are strong feelings on both sides of this argument. Understandably, those on the other side are driven by what they describe as the degradation of human life that cloning proposes. I do not think that there is a member in this House who does not shudder at the shear awesome scope of this research. On the one hand, we fear a world where human beings are created in a lab for the sole purpose of harvesting their organs, characteristics and other items for the benefit of other human beings. On the other hand, we fear foregoing a cure for many of the horrible afflictions that face man like diabetes, cancer, spinal cord injuries and Parkinson's Disease.

I do know that God has blessed us with the knowledge and the skill to do more than just ponder a cure for these afflictions. My concern is that with such a ban in place, as envisioned in this bill, there will be no opportunity to learn all that God might have us learn. All because we acted too quickly to ban research before there was a chance to truly ponder the ways to manage and control this research. For example, if the above research at some point allows us to create an embryo, a cell, a stem cell or any other viable alternative genetic material without the use of human genetic material will this provision prevent its use? Is that human cloning or creating life?

I truly believe that prior to an outright ban of this research, Congress needs to make further efforts to educate every Member of this body. The knowledge that has been provided to us through this research is tremendous. We should do everything we can to understand it and manage its use. We should not, however, ban its use without careful circumspection.

Mr. PAUL. Mr. Speaker, today we're being asked to choose between two options dealing with the controversies surrounding cloning and stem cell research.

As an obstetrician gynecologist with 30 years of experience with strong pro-life convictions I find this debate regarding stem cell research and human cloning off-track, dangerous, and missing some very important points.

This debate is one of the most profound ethical issues of all times. It has moral, religious, legal, and ethical overtones.

However, this debate is as much about process as it is the problem we are trying to solve.

This dilemma demonstrates so clearly why difficult problems like this are made much more complex when we accept the notion that a powerful centralized state should provide the solution, while assuming it can be done precisely and without offending either side, which is a virtual impossibility.

Centralized governments' solutions inevitably compound the problem we're trying to solve. The solution is always found to be offensive to those on the losing side of the debate. It requires that the loser contribute through tax payments to implement the particular program and ignores the unintended consequences that arise. Mistakes are nationalized when we depend on Presidential orders or a new federal law. The assumption that either one is capable of quickly resolving complex issues is unfounded. We are now obsessed with finding a quick fix for this difficult problem.

Since federal funding has already been used to promote much of the research that has inspired cloning technology, no one can be sure that voluntary funds would have been spent in the same manner.

There are many shortcomings of cloning and I predict there are more to come. Private

funds may well have flowed much more slowly into this research than when the government/taxpayer does the funding.

The notion that one person, i.e., the President, by issuing a Presidential order can instantly stop or start major research is frightening. Likewise, the U.S. Congress is no more likely to do the right thing than the President by rushing to pass a new federal law.

Political wisdom in dealing with highly charged and emotional issues is not likely to be found.

The idea that the taxpayer must fund controversial decisions, whether it be stem cell research, or performing abortion overseas, I find repugnant.

The original concept of the republic was much more suited to sort out the pros and cons of such a difficult issue. It did so with the issue of capital punishment. It did so, until 1973, with the issue of abortion. As with many other issues it has done the same but now unfortunately, most difficult problems are nationalized.

Decentralized decision making and privatized funding would have gone a long way in preventing the highly charged emotional debate going on today regarding cloning and stem cell research.

There is danger in a blanket national prohibition of some questionable research in an effort to protect what is perceived as legitimate research. Too often there are unintended consequences. National legalization of cloning and financing discredits life and insults those who are forced to pay.

Even a national law prohibiting cloning legitimizes a national approach that can later be used to undermine this original intent. This national approach rules out states from passing any meaningful legislation and regulation on these issues.

There are some medical questions not yet resolved and careless legislation may impede legitimate research and use of fetal tissue. For instance, should a spontaneously aborted fetus, non-viable, not be used for stem cell research or organ transplant? Should a live fetus from an ectopic pregnancy removed and generally discarded not be used in research? How is a spontaneous abortion of an embryo or fetus different from an embryo conceived in a dish?

Being pro-life and pro-research makes the question profound and I might say best not answered by political demagogues, executive orders or emotional hype.

How do problems like this get resolved in a free society where government power is strictly limited and kept local? Not easily, and not perfectly, but I am confident it would be much better than through centralized and arbitrary authority initiated by politicians responding to emotional arguments.

For a free society to function, the moral standards of the people are crucial. Personal morality, local laws, and medical ethics should prevail in dealing with a subject such as this. This law, the government, the bureaucrats, the politicians can't make the people more moral in making these judgments.

Laws inevitably reflect the morality or immorality of the people. The Supreme Court did not usher in the 60s revolution that undermined the respect for all human life and liberty. Instead, the people's attitude of the 60s led to the Supreme Court Roe vs. Wade ruling in 1973 and contributed to a steady erosion of personal liberty.

If a centralized government is incapable of doing the right thing, what happens when the people embrace immorality and offer no voluntary ethical approach to difficult questions such as cloning?

The government then takes over and predictably makes things much worse. The government cannot instill morality in the people. An apathetic and immoral society inspires centralized, rigid answers while the many consequences to come are ignored. Unfortunately, once centralized government takes charge, the real victim becomes personal liberty.

What can be done? The first step Congress should take is to stop all funding of research for cloning and other controversial issues. Obviously all research in a free society should be done privately, thus preventing this type of problem. If this policy were to be followed, instead of less funding being available for research, there would actually be more.

Second, the President should issue no Executive Order because under the Constitution he does not have the authority either to promote or stop any particular research nor does the Congress. And third, there should be no sacrifice of life. Local law officials are responsible for protecting life or should not participate in its destruction.

We should continue the ethical debate and hope that the medical leaders would voluntarily do the self-policing that is required in a moral society. Local laws, under the Constitution, could be written and the reasonable ones could then set the standard for the rest of the nation.

This problem regarding cloning and stem cell research has been made much worse by the federal government involved, both by the pro and con forces in dealing with the federal government's involvement in embryonic research. The problem may be that a moral society does not exist, rather than a lack of federal laws or federal police. We need no more federal mandates to deal with difficult issues that for the most part were made worse by previous government mandates.

If the problem is that our society lacks moral standards and governments can't impose moral standards, hardly will this effort to write more laws solve this perplexing and intriguing question regarding the cloning of a human being and stem cell research.

Neither option offered today regarding cloning provides a satisfactory solution. Unfortunately, the real issue is being ignored.

Mr. BENTSEN. Mr. Speaker, I rise today in support of H.R. 2172, the Cloning Prohibition Act of 2001 and in opposition to H.R. 2505. I believe that the Cloning Prohibition Act of 2001 is the best approach to ensure that we will prohibit human cloning, while still maintaining our commitment to valuable research that will result in new treatments and therapies for many diseases including diabetes and Parkinson's Disease.

I am supporting the Cloning Prohibition Act of 2001 because I believe it includes more protections to ensure that humans are not cloned. For instance, this bill requires that all medical researchers must register with the Secretary of Health and Human Services (HHS) before they can conduct human somatic cells nuclear transfers. The HHS Secretary would also be required to maintain a database and additional information about all somatic cell research projects. Second, this bill requires that medical researchers must affirmatively attest that they are aware of the restrictions on such research and will adhere to such restrictions. Third, this bill requires that the HHS Secretary will maintain strict confidentiality about such information so that the public may only have access to such information if the investigator conducting such research provides written authorization for such disclosure.

In addition, this measure would include two explicit penalties for those who violate this legislation. First, this bill would impose civil penalties of up to $1 million or an amount equal to any gain related to this violation for those researchers who fails to register with the HHS to conduct such research. Second, researchers would be subject to a criminal penalty of ten years if they fail to comply with this act. Third, this measure would subject such medical researchers to forfeiture of property if they violate this act.

I believe that the alternative legislation is broadly written and will restrict the biomedical research which we all support. As the representative for the Texas Medical Center where much of this biomedical research is conducted, I believe we must proceed cautiously to ensure that no promising therapies are prohibited.

Under the alternative bill, H.R. 2505, there would be a strict prohibition of all importation of human embryos as well as any product derived from cloned embryos. However, we already know that the human cloning research is being conducted in England and that some of this therapeutic cloning research may be available to clinical trials with three years for Parkinson's patients. I believe that a strict prohibition of importation to such therapies will negative impact such patients and restrict access to new treatments which will extend and save lives This bill would not only ban reproductive cloning but also any therapeutic cloning for research or medical treatment. I am also concerned that this measure would make it more difficult to fund federal research on stem cell research. As you know, the National Institutes of Health has described stem call research as having ''enormous'' medical potential and we must proceed cautiously to ensure that such stem cell research continues.

I want to be clear. I believe that Congress can and should outlaw human cloning to create a child. But a ban on human cloning does not need to include a ban on nuclear transfer research. This nuclear transfer research will focus only on the study of embryonic development and curing disease. We can prohibit the transfer of such embryos to humans while still allowing medical researchers to conduct valuable medical research. I urge the defeat of H.R. 2505 and urge my colleague to support the alternative legislation, H.R. 2172, the Cloning Prohibition Act of 2001.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of Dr. WELDON's Human Cloning Prohibition Act. Today scientific advances have unleashed a whole host of bio-

ethical issues that our society must face. Recently we have faced controversy over medical research on human subjects, as well as whether we should destroy embryos for the purpose of stem cell research. The questions posed focus on how far we will allow science to push the limits on tampering with human lives. Personally whether it's innocent African-Americans at the Tuskegee Institute or unborn human embryos, I do not think the government should be allowed to risk lives.

The debate before us today, however, is completely different in my mind. Those who are for and against abortion, even for and against embryonic stem cell research, have joined together to say that we cannot clone humans. In the words of esteemed columnist Charles Krauthammer, the thought of cloning humans—whether for research or reproductive purposes—is ghoulish, dangerous, perverse, nightmarsh. I do not think the language can be strong enough. Eugenics is an abominable practice. We do not have the right to create life in order to destroy it. We do not have the right to create life in order to tamper with genes.

It does not take a fan of science-fiction to imagine the scenarios that would ensue from legalized cloning—headless humans used as organ farms, malformed humans killed because they were viewed as an experiment not a person, gene selection to create a supposed inferior species to become slaves, societal values used to create a supposed superior species. We do not have the right to play God. We may have the technology to clone humans, but our sense of morality should prevent us from doing it. We should not create life for research purposes. We should not pick and choose genes to make up humans.

I am sorry that our society has drifted so far from our core values that we even have to debate this. It is a sad day when Congress has to enact legislation in order to prevent man from manipulating human life.

Mr. HYDE. Mr. Speaker, I submit the following article for the RECORD.

[From the Washington Post, July 27, 2001]

(By Charles Krauthammer)

A NIGHTMARE OF A BILL

Hadn't we all agreed—we supporters of stem cell research—that it was morally okay to destroy a tiny human embryo for its possibly curative stem cells because these embryos from fertility clinics were going to be discarded anyway? Hadn't we also agreed that human embryos should not be created solely for the purpose of being dismembered and then destroyed for the benefit of others?

Indeed, when Sen. Bill Frist made that brilliant presentation on the floor of the Senate supporting stem cell research, he included among his conditions a total ban on creating human embryos just to be stem cell farms. Why, then, are so many stem cell supporters in Congress lining up behind a supposedly ''anti-cloning bill'' that would, in fact, legalize the creation of cloned human embryos solely for purposes of research and destruction?

Sound surreal? It is.

There are two bills in Congress regarding cloning. The Weldon bill bans the creation of cloned human embryos for any purpose, whether for growing them into cloned human children or for using them for research or for their parts and then destroying them.

The competing Greenwood ''Cloning Prohibition Act of 2001'' prohibits only the creation of a cloned child. It protects and indeed codifies the creation of cloned human embryos for industrial and research purposes.

Under Greenwood, points out the distinguished bioethicist Leon Kass, ''embryo production is explicitly licensed and treated like drug manufacture.'' It becomes an industry, complete with industrial secrecy protections. Greenwood, he says correctly, should really be called the ''Human Embryo Cloning Registration and Industry Facilitation and Protection Act of 2001.''

Greenwood is a nightmare and an abomination. First of all, once the industry of cloning human embryos has begun and thousands are being created, grown, bought and sold, who is going to prevent them from being implanted in a woman and developed into a cloned child?

Even more perversely, when that inevitably occurs, what is the federal government going to do: Force that woman to abort the clone?

Greenwood sanctions, licenses and protects the launching of the most ghoulish and dangerous enterprise in modern scientific history: the creation of nascent cloned human life for the sole purpose of its exploitation and destruction.

What does one say to stem cell opponents? They warned about the slippery slope. They said: Once you start using discarded embryos, the next step is creating embryos for their parts. Frist and I and others have argued: No, we can draw the line.

Why should anyone believe us? Even before the president has decided on federal support for stem cell research, we find stem cell supporters and their biotech industry allies trying to pass a bill that would cross that line—not in some slippery-slope future, but right now.

Apologists for Greenwood will say: Science will march on anyway. Human cloning will be performed. Might as well give in and just regulate it, because a full ban will fail in any event.

Wrong. Very wrong. Why? Simple: You're a brilliant young scientist graduating from medical school. You have a glowing future in biotechnology, where peer recognition, publications, honors, financial rewards, maybe even a Nobel Prize await you. Where are you going to spend your life? Working on an outlawed procedure? If cloning is outlawed, will you devote yourself to research that cannot see the light of day, that will leave you ostracized and working in shadow, that will render you liable to arrest, prosecution and disgrace?

True, some will make that choice. Every generation has its Kevorkian. But they will be very small in number. And like Kevorkian, they will not be very bright.

The movies have it wrong. The mad scientist is no genius. Dr. Frankensteins invariably produce lousy science. What is Kevorkian's great contribution to science? A suicide machine that your average Hitler Youth could have turned out as a summer camp project.

Of course you cannot stop cloning completely. But make it illegal and you will have robbed it of its most important resource: great young minds. If we act now by passing Weldon, we can retard this monstrosity by decades. Enough time to regain our moral equilibrium—and the recognition that the human embryo, cloned or not, is not to be created for the sole purpose of being poked and prodded, strip-minded for parts and then destroyed.

If Weldon is stopped, the game is up. If Congress cannot pass the Weldon ban on cloning, then stem cell research itself must not be supported either—because then all the vaunted promises about not permitting the creation of human embryos solely for their exploitation and destruction will have been shown in advance to be a fraud.

Mr. BAKER. Mr. Speaker, I rise to express my support for H.R. 2505, ''The Human Cloning Prohibition Act of 2001.'' Let me begin my saying that I am unequivocally opposed to the cloning of human beings either for reproduction or for research. The moral and ethical issues posed by human cloning are profound and cannot be ignored in the quest for scientific discovery. I intend to support this legislation and will vote against the Greenwood amendment.

Let me be clear. Passage of H.R. 2505 will not stop medical research on the promising use of stem cells. This is an exciting area of research and I am confident this technology will produce results the significance of which we cannot fathom. Stem cell research will continue, but it does not have to continue at the expense of our human ethics or our religious morals.

There is not ever a time, in my opinion, where it is proper for medical science to wholly create or clone a human being. The ethical and moral implications of such an act are staggering, and I believe my colleagues understand that. So if we can agree on the human cloning issue, we must now address the fears some of my colleagues have expressed on the future of stem cell research.

The scientific objective in today's debate over stem cell research is having the ability to produce massive quantities of quality transplantable, tissue-matched pluripotent cell that provide extended therapeutic benefits without triggering immune rejection in the recipient. It has come to my attention that efforts have been underway for companies to conduct stem cell research using placentas from live births. I have become aware of at least one company that has pioneered the recovery of non-adult human pluripotent and multipotent stem cell from human afterbirth, traditionally regarded as medical waste.

Importantly, the pluripotent stem cells discovered in postnatal placentas were not heretofore known to be present in human afterbirth, and can be collected in abundant quantities via a proprietary recovery method. These non-controversial cells are known as ''placental'' and ''umbilical'' stem cells, because they come from postnatal placentas, umbilical cords, and cord blood, from full-term births, and are classified separately and distinctly from those stem cells recovered from adults and embryos.

The strength of this option is that it meets both the policy and scientific objectives while transcending ethical or moral controversy. We can solve the dilemma by building bipartisan coalition and simply turning the argument from ''What we oppose'' to ''What we all support.''

What I'm suggesting is a non-controversial, abundant source of high-quality stem cells that will significantly accelerate the pace at which stem cell therapies can be integrated into clinical use. They would offer the hope of renewable sources of replacement cells and tissues to treat a myriad of diseases, conditions and disabilities, including ALS (Lou Gehrig's Disease), Parkinson's and Alzheimer's, spinal

cord injury, stroke, burns, heart disease, diabetes, osteoarthritis, rheumatoid arthritis, liver diseases and cancers.

I would say to all of my colleagues, let's move forward to stop human cloning before it starts. Let's move forward with stem cell research using a source of stem cells that is both in abundant supply and in conformity with our respective ethical and moral beliefs.

Mr. RUSH. Mr. Speaker, in an old blues song, B.B. King provides some sound advice: ''don't make your move too soon.'' Clearly, Congress should heed Mr. King's advice on the issue of human cloning and act with prudence.

Based on my own personal, moral and religious views, I firmly believe that human cloning should be banned. I sincerely believe that the majority of my colleagues agree with me. However, in our zeal to pass a ban on human cloning we may be needlessly impeding the legitimate use of stem cell research.

Even more frightening, instead of holding extensive hearings with scientists, ethicists and patient groups on how to develop a narrowly tailored ban on human cloning, we are rushing to a vote on a bill which was heard in one committee, the Judiciary Committee.

What ever happened to prudence? What ever happened to reasoning things out? What ever happened to looking before you leap? What is clear from the debate on this floor today is there are serious questions and confusion as to whether the Human Cloning Prohibition Act will merely ban human cloning or halt life saving stem cell research. The fact that there is confusion necessitates further debate and discussion, not a vote.

We must act with caution to ensure the future scientific successes which will make this world healthier and more productive while tightly regulating those practices which pose a clear threat to the health and safety of our citizens.

Clearly, we are making a move too soon, without facts, without an understanding of what the Human Cloning Prohibition Act does, and without an understanding of the science involved. I would urge my colleagues to not make a move too soon. Let's debate this issue further and vote on a bill when the implications of the legislation is clear.

Mr. BARR of Georgia. Mr. Speaker, the practice of either embryo splitting or nuclear replacement technology, deliberately for the purposes of human reproductive cloning, raises serious ethical issues we, as policy makers, must address.

Having participated, as a member of the Judiciary Committee, in hearings on the ethics and practice of human cloning, I am pleased to support Congressman WELDON and STUPAK'S bill, H.R. 2505—the Human Cloning Prohibition Act of 2001. This bill provides for an absolute prohibition on human cloning. The bill bans all forms of adult human and embryonic cloning, while not restricting areas of scientific 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. In fact, the bill specifically protects and encourages the cloning of human tissues, so long as such procedures do not involve the creation of a cloned human embryo.

The ability to produce an exact genetic replica of a human being, alive of deceased, carries with it an incredible responsibility. Beyond the fact the scientific community has yet to confirm the safety and efficacy of the procedure, human cloning is human experimentation taken to the furthest extreme. In fact, the National Bioethics Commission has quite clearly stated the creation of a human being by somatic cell nuclear transfer is both scientifically and ethically objectionable.

This is why I have serious reservations with Representative GREENWOOD'S bill, H.R. 2172. This bill would prohibit human somatic cell nuclear transfer technology with the intent to initiate a pregnancy. Of critical importance, however, is the fact that would allow somatic cell nuclear transfer technology to clone molecules, DNA, cells, tissues; in the practice of in vitro fertilization, the administration of fertility-enhancing drugs, or the use of other medical procedures to assist a woman in becoming or remaining pregnant; or any other activity (including biomedical, microbiological, or agricultural research or practices) not expressly prohibited.

Representative GREENWOOD'S bill purportedly advances the benefits of ''therapeutic cloning''; that is, the cloning of embryos for the purpose of scientific research. While we may hear endless examples of how this technology may lead to advanced cancer therapies, solve infertility problems, and end juvenile diabetes, in reality, not one reputable research organization has provided any hard evidence that cloned embryos will provide any such miracles. To date, not one disease has been cured, or one treatment developed based on this technology. Furthermore, there is abundant evidence that alternatives to this procedure already exist. Stem cells, which can be harvested from placentas and umbilical cords, even from human fat cells, have yielded far more results than embryonic stem cells.

What is most objectionable to the bill is that it will take us in an entirely new and inhumane direction, whereby the United States government will be condoning, indeed encouraging, the creation of embryos for the purpose of destruction.

There is nothing humanitarian or compassionate about creating and destroying human life for some theoretical, technical benefit that is far from established. To create a cloned human embryo solely to harvest its cells is just as abhorrent as cloning a human embryo for implantation.

To not provide an outright and complete ban on embryonic cloning would set a dangerous precedent. Once the Federal government permits such dubious and mischievous research practices, regardless of how strict the guidelines and regulations are drawn, human cloning will undoubtedly occur.

Mr. Speaker, nothing scientifically or medically important would be lost by banning embryonic cloning. Indeed, at this time, there is no clinical, scientific, therapeutic or moral justification for it. I urge all House Members to join a vast majority of American citizens and members of the scientific community in support of H.R. 2505, the true Human Cloning Prohibition Act of 2001.

Mr. DEMINT. Mr. Speaker, it is July 31st, the year 2001. Once upon a time, the discussions about cloning human beings were about a hypothetical point in the future.

America has not paid too much attention to the scientific, legal, and ethical issues surrounding cloning because it was always something so far off in the future that it seemed surreal.

Well, the future is upon us and today we discuss an issue of utmost importance in determining what sort of world we live in.

We all want to secure America's future—to live in a land of prosperity, good health, and great opportunity.

However, our future will very much be shaped by our present decisions and fundamental questions about human life and human identity.

I rise today, Mr. Speaker, in support of H.R. 2505—the Weldon/Stupak bill to enact a true ban on human cloning. I rise in opposition to the Greenwood/Deutsch bill which purports to be a ban, but will allow the industrial exploitation of human life.

Mr. Speaker, you and I and every other person on the face of this earth have unique features—things that make us not only human, but individuals.

Our fingerprints are like snowflakes—there is not, nor has there ever been, an exact replica of another human being.

Cloning is a whole new world. What is a clone? Whe is close? What is the identity of a clone? Who is responsible for the clone? Why would clones be brought into existence? Should they become human organ farms, created specifically to try to save the life of another human being? Would clones have different rights than 'natural' human beings? Would they be a subservient class of human beings?

Supporters of the Greenwood Substitute might claim that this is far-fetched, that their language has no intention of allowing the creation of actual cloned living, breathing human beings.

As columnist Charles Krauthammer puts so eloquently, ''. . . once the industry of cloning human embryos has begun and thousands are being created, grown, bought and sold, who is going to prevent them from being implanted in a woman and developed into a cloned child?''

Well, Mr. Speaker, I ask at what point do we say NO? At what point do we say that we refuse to walk down that slippery slope?

When do we have the strength to stand up for the wonder of life and human experience and say that we will not allow the creation of cloned human embryos for industrial exploitation?

Krauthammer calls the Greenwood bill ''a nightmare and an abomination . . . the launching of the most ghoulish and dangerous enterprise in modern scientific history.''

Mr. Speaker. I hope we will all be able to look back on this day—July 31, 2001—and recognize that it was a day in which we affirmed human life and rejected those wishing to exploit life in a most horrific way.

Mr. Speaker, I urge my colleagues to take those words to heart and reject the Greenwood substitute and vote in favor of the underlying bipartisan bill.

As we work together in this body to secure the future for America, let us march forward on our strongest ideals of hope, democracy,

and freedom. Let us show the utmost respect for human life and this human experience which we all share.

Mr. LARGENT. Mr. Speaker, I rise in strong support of H.R. 2505, the Human Cloning Prohibition Act of 2001.

This bill has an amazingly wide range of support. Opponents of the bill have tried to portray it as a piece of pro-life legislation, and have made it hard for pro-choice members to support it. But anyone who has followed the series of cloning hearings has seen some of the most unusual alliances in recent political history, including many pro-choice activists and organizations who see the common sense in banning the ghoulish practice of cloning. Even they see that embryo cloning will, with virtual certainty, lead to the production of experimental human beings.

Scientists acknowledge the ethical questions cloning raises. As recently as the December 27, 2000 issue of the Journal of the American Medical Association, three bioethicists co-authored a major paper on human cloning that freely acknowledged that somatic cell nuclear transfer creates human embryos and noted that it raises complex ethical questions.

Some have stated that life begins in the womb, not a petri dish or a refrigerator. I believe, however, that human life is created when an egg and a sperm meet. The miracle of life cannot be denied, whether it begins in a womb or a petri dish. Even scientists and bioethicists realize the moral and ethical implications that cloning brings about. Twisting this reality is disingenuous.

Do we really want Uncle Sam cloning human beings? Do we really want the federal government to play God in such an undeniable way? I certainly don't. The Greenwood substitute is a moral and practical disaster, however you look at it. I urge my colleagues to vote in favor of H.R. 2505 and against the Greenwood substitute and the motion to recommit.

Mr. HOSTETTLER. Mr. Speaker, I submit the following information on the subject of Cloning.

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.
Washington, DC, July 26, 2001.

SCIENTISTS SAY ''THERAPEUTIC CLONING'' CREATES A HUMAN EMBRYO

President Clinton's National Bioethics Advisory Commission, in its 1997 report Cloning Human Beings, explicitly stated: ''The Commission began its discussions fully recognizing that any effort in humans to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo, with the apparent potential to be implanted in utero and developed to term.''

The National Institutes of Health Human Embryo Research Panel also assumed in its September 27, 1994 Final Report, that cloning results in embryos. In listing research proposals that ''should not be funded for the foreseeable future'' because of ''serious ethical concerns,'' the NIH panel included cloning: ''Such research includes: . . . Studies designed to transplant embryonic or adult nuclei into an enucleated egg, including nuclear cloning, in order to duplicate a genome or to increase the number of embryos with the same genotype, with transfer.''

A group of scientists, ethicists, and biotechnology executives advocating ''therapeutic cloning'' and use of human embryos for research—Arthur Caplan of the University of Pennsylvania, Lee Silver of Princeton University, Ronald Green of Dartmouth University, and Michael West, Robert Lanza, and Jose Cibelli of Advanced Cell Technology—confirmed in the December 27, 2000 issue of the Journal of the American Medical Association that a human embryo is created and destroyed through ''therapeutic cloning'': ''CRNT [cell replacement through nuclear transfer, another term for ''therapeutic cloning''] requires the deliberate creation and disaggregation of a human embryo.'' ''. . . because therapeutic cloning requires the creation and disaggregation ex utero of blastocyst stage embryos, this technique raises complex ethical questions.''

On September 7, 2000, the European Parliament adopted a resolution on human cloning. The Parliament's press release defined and commented on ''therapeutic cloning'': ''. . . 'Therapeutic cloning,' which involves the creation of human embryos purely for research purposes, poses an ethical dilemma and crosses a boundary in research norms.''

Lee M. Silver, professor of molecular biology and evolutionary biology at Princeton University, argues in his 1997 book, Remaking Eden: Cloning and Beyond in a Brave New World. ''Yet there is nothing synthetic about the cells used in cloning. . . . The newly created embryo can only develop inside the womb of a woman in the same way that all embryos and fetuses develop. Cloned children will be full-fledged human beings, indistinguishable in biological terms from all other members of the species.''

The President and CEO of the biotechnology firm that recently announced its intentions to clone human embryos for research purposes, Michael D. West, Ph.D. of Advanced Cell Technology, testified before a Senate Appropriations Subcommittee on December 2, 1998: ''In this . . . procedure, body cells from a patient would be fused with an egg cell that has had its nucleus (including the nuclear DNA) removed. This would theoretically allow the production of a blastocyst-staged embryo genetically identical to the patient. . . .''

Dr. Ian Wilmut of PPL Technologies, leader of the team that cloned Dolly the sheep, describes in the spring 1988 issue of Cambridge Quarterly of Healthcare Ethics how embryos are used in the process now referred to as ''therapeutic cloning'': ''One potential use for this technique would be to take cells—skin cells, for example—from a human patient who had a genetic disease . . . You take this and get them back to the beginning of their life by nuclear transfer into an oocyte to produce a new embryo. From that new embryo, you would be able to obtain relatively simple, undifferentiated cells, which would retain the ability to colonize the tissues of the patient.''

As documented in the American Medical News, February 23, 1998, University of Colorado human embryologist Jonathan Van Blerkom expressed disbelief that some deny that human cloning produces an embryo, commenting: ''If it's not an embryo, what is it?''

Mr. BARR of Georgia. Mr. Speaker, today the House of Representatives took an important step in banning the cloning of human embryos. As this debate moves forward in Congress, I believe the National Right to Life Committee has made some very important points which we need to keep in mind:

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.
Washington, DC, July 26, 2001.

AMERICANS OPPOSE CLONING HUMAN EMBRYOS FOR RESEARCH

The biotechnology industry is pushing for a deceptive ''cloning ban'' sponsored by James Greenwood. This bill actually permits, protects, and licenses the unlimited creation of cloned human embryos for experimentation as long as those embryos are destroyed before being implanted in a mother's womb. It would more accurately be termed a ''clone and kill'' bill.

In the past, even major defenders of harmful research on human embryos have rejected the idea of special creation of embryos for research.

''The creation of human embryos specifically for research that will destroy them is unconscionable.''—Editorial, ''Embryos: Drawing the Line,'' Washington Post, October 2, 1994, C6.

''What the NIH must decide is whether to put a seal of approval on . . . creating embryos when necessary through in vitro fertilization, conducting experiments on them and throwing them away when the experiments are finished. . . . The price for this potential progress is to disregard in the case of embryos the basic ethical principal that no human's bodily integrity may be violated involuntarily, no matter how much good may result for others.'' Editorial, ''Life is precious, even in the lab,'' Chicago Tribune, November 30, 1994.

''. . . We should not be involved in the creation of embryos for research. I completely agree with my colleagues on that score.''—Rep. Nancy Pelosi (D–CA), 142 Congressional Record at H7343, July 11, 1996.

''. . . I do not believe that federal funds should be used to support the creation of human embryos for research purposes, and I have directed that NIH not allocate any resources for such research.''—President Bill Clinton, Statement by the President, December 2, 1994.

''We can all be assured that the research at the National Institutes of Health will be conducted with the highest level of integrity. No embryos will be created for research purposes. . . .''—Rep. Nita Lowey (D–NY), 142 Congressional Record at H7343, July 11, 1996.

''. . . The manufacture of embryos for stem cell research . . . may be morally suspect because it violates our desire to accord special standing and status to human conception, procreation, and sexuality.''—Arthur Caplan, Director, University of Pennsylvania Center for Bioethics, Testimony before Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, December 2, 1998.

PUBLIC OPINION SPEAKS

''Should scientists be allowed to use human cloning to create a supply of human embryos to be destroyed in medical research?'' (International Communications Research Poll, June 2001): No—86%, Don't Know/Refused—4.3%, Yes—9.8%.

''Do you think scientists should be allowed to clone human beings or don't you think so?'' (Time/CNN Poll, April 30, 2001): No—88%, Not Sure—2%, Yes—10%.

So-called ''therapeutic cloning,'' just like ''reproductive cloning,'' creates a human embryo. These embryos are killed when their stem cells are harvested in the name of ''medical research.''

''. . . Any effort in humans to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo, with the

apparent potential to be implanted in utero and developed to term.''—Cloning Human Beings: Report and Recommendations of the National Bioethics Advisory Commission (Rockville, MD: June 1997, Executive Summary).

''We can debate all day whether an embryo is or isn't a person. But it is unquestionably human life, complete with its own unique set of human genes that inform and drive its own development. The idea of the manufacture of such a magnificent thing as a human life purely for the purpose of conducting research is grotesque, at best. Whether or not it is federally funded.''—Editorial, ''Embryo Research is Inhuman,'' Chicago Sun-Times, October 10, 1994, 25.

The SPEAKER pro tempore. All time for debate on the bill, as amended, has expired.

AMENDMENT NO. 1 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 107–172 offered by Mr. SCOTT:

Page 4, after line 8, insert the following:

SEC. 3. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The General Accounting Office shall conduct a study to assess the need (if any) for amendment of the prohibition on human cloning, as defined in section 301 of title 18, United States Code, as added by this Act, which study should include—

(1) a discussion of new developments in medical technology concerning human cloning and somatic cell nuclear transfer, the need (if any) for somatic cell nuclear transfer to produce medical advances, current public attitudes and prevailing ethical views concerning the use of somatic cell nuclear transfer, and potential legal implications of research in somatic cell nuclear transfer; and

(2) a review of any technological developments that may require that technical changes be made to section 2 of this Act.

(b) REPORT.—The General Accounting Office shall transmit to the Congress, within 4 years after the date of enactment of this Act, a report containing the findings and conclusions of its study, together with recommendations for any legislation or administrative actions which it considers appropriate.

The SPEAKER pro tempore. Pursuant to House Resolution 214, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

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

This amendment would provide for a study by the General Accounting Office of this issue. That study would include a discussion of new developments in medical technology, the need if any for somatic cell nuclear transfer, the public attitudes and prevailing ethical views, and potential legal implications.

The developments in stem cell research are proceeding at a very rapid pace; and it is difficult for Congress, which moves very slowly, to take them into account. This amendment would keep Congress informed of the changes in technology and its potential for medical advance. It would also keep us advised of any need for technical changes to the bill to keep its prohibition on cloning effective and narrowly drawn.

Furthermore, this is an area where public attitudes and ethical views are often confused and uncertain. The study will be helpful in summarizing and clarifying those issues.

Mr. Speaker, some of the issues that we have to deal with have been reflected in the questions that have been raised on what the bill actually does: the potential for embryonic versus adult cell research, and issues such as the impact of the bill which would be in effect in the United States on medical treatments which may be available everywhere else in the world except in the United States.

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

Mr. SCOTT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, I believe that this is an extremely constructive amendment. The gentleman from Virginia offered it during Judiciary Committee consideration and withdrew it because of jurisdictional concerns. I would hope that the House would adopt this amendment because I believe it would put additional information on the table to help further clarify this very contentious debate.

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

The SPEAKER pro tempore. Pursuant to House Resolution 214, the previous question is ordered on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GREENWOOD

Mr. GREENWOOD. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute printed in House Report 107–172 offered by Mr. GREENWOOD:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cloning Prohibition Act of 2001''.

SEC. 2. PROHIBITION AGAINST HUMAN CLONING.

(a) IN GENERAL.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by adding at the end the following:

''CHAPTER X—HUMAN CLONING

''PROHIBITION AGAINST HUMAN CLONING

''SEC. 1001. (a) NUCLEAR TRANSFER TECHNOLOGY.—

''(1) IN GENERAL.—It shall be unlawful for any person—

''(A) to use or attempt to use human somatic cell nuclear transfer technology, or the product of such technology, to initiate a pregnancy or with the intent to initiate a pregnancy; or

''(B) to ship, mail, transport, or receive the product of such technology knowing that the product is intended to be used to initiate a pregnancy.

''(2) DEFINITION.—For purposes of this section, the term 'human somatic cell nuclear transfer technology' means transferring the nuclear material of a human somatic cell into an egg cell from which the nuclear material has been removed or rendered inert.

''(b) RULE OF CONSTRUCTION.—This section may not be construed as applying to any of the following:

''(1) The use of somatic cell nuclear transfer technology to clone molecules, DNA, cells, or tissues.

''(2) The use of mitochondrial, cytoplasmic, or gene therapy.

''(3) The use of in vitro fertilization, the administration of fertility-enhancing drugs, or the use of other medical procedures (excluding those using human somatic cell nuclear transfer or the product thereof) to assist a woman in becoming or remaining pregnant

''(4) The use of somatic cell nuclear transfer technology to clone or otherwise create animals other than humans.

''(5) Any other activity (including biomedical, microbiological, or agricultural research or practices) not expressly prohibited in subsection (a).

''(c) REGISTRATION.—

''(1) IN GENERAL.—Each individual who intends to perform human somatic cell nuclear transfer technology shall, prior to first performing such technology, register with the Secretary his or her name and place of business (except that, in the case of an individual who performed such technology before the date of the enactment of the Cloning Prohibition Act of 2001, the individual shall so register not later than 60 days after such date). The Secretary may by regulation require that the registration provide additional information regarding the identity and business locations of the individual, and information on the training and experience of the individual regarding the performance of such technology.

''(2) ATTESTATION.—A registration under paragraph (1) shall include a statement, signed by the individual submitting the registration, declaring that the individual is aware of the prohibitions described in subsection (a) and will not engage in any violation of such subsection.

''(3) CONFIDENTIALITY.—Information provided in a registration under paragraph (1) shall not be disclosed to the public by the Secretary except to the extent that—

''(A) the individual submitting the registration has in writing authorized the disclosure; or

''(B) the disclosure does not identify such individual or any place of business of the individual.

''(d) PREEMPTION OF STATE LAW.—This section supersedes any State or local law that—

''(1) establishes prohibitions, requirements, or authorizations regarding human somatic cell nuclear transfer technology that are different than, or in addition to, those established in subsection (a) or (c); or

''(2) with respect to humans, prohibits or restricts research regarding or practices constituting—

''(A) somatic cell nuclear transfer;

''(B) mitochondrial or cytoplasmic therapy; or

''(C) the cloning of molecules, DNA, cells, tissues, or organs;

except that this subsection does not apply to any State or local law that was in effect as of the day before the date of the enactment of the Cloning Prohibition Act of 2001.

''(e) RIGHT OF ACTION.—This section may not be construed as establishing any private right of action.

''(f) DEFINITION.—For purposes of this section, the term 'person' includes governmental entities.

''(g) SUNSET.—This section and section 301(bb) do not apply to any activity described in subsection (a) that occurs on or after the expiration of the 10-year period beginning on the date of the enactment of the Cloning Prohibition Act of 2001.''.

(b) PROHIBITED ACTS.—

(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(bb) The violation of section 1001(a), or the failure to register in accordance with section 1001(c).''.

(2) CRIMINAL PENALTY.—Section 303(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)) is amended by adding at the end the following:

''(7) Notwithstanding subsection (a), any person who violates section 301(bb) shall be imprisoned not more than 10 years or fined in accordance with title 18, United States Code, or both.''.

(3) CIVIL PENALTY.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

''(h)(1) Any person who violates section 301(bb) shall be liable to the United States for a civil penalty in an amount not to exceed the greater of—

''(A) $1,000,000; or

''(B) an amount equal to the amount of any gross pecuniary gain derived from such violation multiplied by 2.

''(2) Paragraphs (3) through (5) of subsection (g) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under paragraph (1) or (2) of subsection (g).''.

(4) FORFEITURE.—Section 303 of the Federal Food, Drug, and Cosmetic Act, as amended by paragraph (3), is amended by adding at the end the following:

''(i) Any property, real or personal, derived from or used to commit a violation of section 301(bb), or any property traceable to such property, shall be subject to forfeiture to the United States.''.

SEC. 3. STUDY BY INSTITUTE OF MEDICINE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to—

(1) review the current state of knowledge about the biological properties of stem cells obtained from embryos, fetal tissues, and adult tissues;

(2) evaluate the current state of knowledge about biological differences among stem cells obtained from embryos, fetal tissues, and adult tissues and the consequences for research and medicine; and

(3) assess what is currently known about the ability of stem cells to generate neurons, heart, kidney, blood, liver and other tissues and the potential clinical uses of these tissues.

(b) OTHER ENTITIES.—If the Institute of Medicine declines to conduct the study described in subsection (a), the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(c) REPORT.—The Secretary shall ensure that, not later than three years after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made in the study is submitted to the Committee on Energy and Commerce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate.

The SPEAKER pro tempore. Pursuant to House Resolution 214, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

PARLIAMENTARY INQUIRY

Mr. GREENWOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GREENWOOD. Would it be appropriate for me or permissible under the rules for me to yield 15 minutes of my time to the gentleman from Florida (Mr. DEUTSCH)?

The SPEAKER pro tempore. By unanimous consent, the gentleman from Florida could control those 15 minutes.

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that the gentleman from Florida (Mr. DEUTSCH) be permitted to control 15 minutes.

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

There was no objection.

Mr. DEUTSCH. Mr. Speaker, if I could just inquire, how would we be going in terms of order of speakers?

The SPEAKER pro tempore. The Chair would allow the proponent of the amendment to speak first.

Mr. DEUTSCH. And then to the opponent, and then it will revert back and forth?

The SPEAKER pro tempore. That is correct.

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

Mr. Speaker, I have been attempting to personalize this issue as much as I can. One of the things I would ask my colleagues to do is look at some of the lists of groups that are supporting the Greenwood-Deutsch amendment in opposition to the Weldon bill: the Parkinson's Action Network, the Juvenile Diabetes Research Foundation, Alliance for Aging, American Infertility Association, American Liver Foundation, International Kidney Cancer Foundation.

I mention several of these organizations because as I have said, and I think what we all acknowledge, that the issue of using embryonic stem cell research is over. And why is it over? Because of the 435 Members in this Chamber, we have heard from our friends, from our families, from our neighbors, from our constituents about real people who are suffering real diseases. That suffering is incalculable. None of us would want that to happen to anyone. Yet we know it exists and we feel pain when we talk to people. Many of us experience that pain ourselves. I put up these numbers again to note that the individuals added collectively together add up to tens of millions of Americans and to hundreds of millions of family Members.

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

We have had a good 2 hours of debate, and it has been encouraging to see the extent to which Members of Congress have been able to grapple with this very complicated issue.

Unfortunately, the Members who are speaking are the ones who have mastered it. We will have a vote within the hour and unfortunately most Members will come here pretty confused about the issue.

Let me try to simplify the issue once again and ask that we try to avoid some of the ad hominem argument that I think is beginning, and the hostility, frankly, that is beginning to develop on the floor on this issue. This is not a question about who has values and who stands for human life and who does not. It is a very legitimate and important and historic debate about how it is that we are able to use the DNA that God put into our own bodies, use the brain that God gave us to think creatively, and to employ this research to save the lives of men, women and children in this country and throughout the world and to rescue them from terribly debilitating and life-shortening diseases.

□ 1615

We have an extraordinary opportunity to do this with the research technique that does not involve conception. It is an interesting question to look at, when is it that people over history have defined the onset of life.

The Catholic Church used to say that it began with quickening, when a woman could feel the motion of the fetus in her womb, and that was when ensoulment occurred. When scientists discovered how fertilization worked, the Church changed its opinion and said life actually begins at conception, at fertilization, and for those who adhere to that position, they have my utmost respect. I do not think they ought to put their position into the statutes of the Federal Government, but they certainly should be respected for that belief that they have.

But now we have moved the goalposts again, and now somehow we are supposed to be required to, A, believe

that ensoulment occurs when a somatic cell taken from someone's skin divides in a petri dish, and for those who want to make that leap of faith, or leap of whatever it is, belief, they are welcome to do that.

But to put into the statutes of the Federal Government a prohibition against using the state of the art research that is wonderfully brilliant, fine and inspired, and noble researchers are trying to employ in the laboratory for the very purpose of saving the lives of people, to put into law a Federal ban against that, I think, is immoral. I think it is wrong, and we should not do it.

Now, the Greenwood-Deutsch substitute is very simple. All we have been trying to do from the very beginning is prohibit reproductive cloning. That is all we do. That is all we do, is say thou shalt not create new babies using cloning, because it is not safe and it is not ethical.

I said months ago to the leadership of this House, if you want to do what we all agree on, we all want to stop that, then we need to shoot a silver bullet and a rifle shot and stop that legislatively. We could do that.

I said then but if we get mired down into the stem cell debate, the result is predictable. The legislation will go nowhere, this bill when it passes the House today will not be taken up in the Senate. I cannot believe the Senate is going to get into this issue.

So what will we have done at the end of the day? We will have done nothing. We will not have banned reproductive cloning, because it is more interesting to get into this extraordinary metaphysical debate whether life does or does not begin when a skin cell divides in a petri dish.

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

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

Mr. Speaker, I rise in opposition to the substitute that has been offered by my friend, the gentleman from Pennsylvania (Mr. GREENWOOD). This substitute is a big mistake for a number of reasons, and it should not be supported. Most notably, it would make the prohibition against human cloning virtually impossible to enforce, it would foster the creation of cloned human embryos through the Department of Health and Human Services, and trump States that wish to prohibit cloning.

As I have already stated, allowing the creation of cloned embryos by law would enable anyone to attempt to clone a human being. While most individuals do not have the scientific capacity to clone human embryos, once they have been cloned, there is no mechanism for tracking them.

In fact, one would logically expect an organization authorized to clone human embryos pursuant to this substitute to be prepared to produce an abundance of cloned embryos for research. Meanwhile, those without the capabilities to clone embryos, could easily implant any of the legally cloned embryos, if they had the opportunity, and a child would develop.

Furthermore, those who do want to clone humans for reproductive purposes are very well funded and may have the capability to clone embryos. Would they be banned from registering with HHS under this amendment, or would they be authorized to create cloned embryos under the watchful eye of the Federal Government? If not, what would prevent any of these privately funded groups from creating a new organization with unknown intentions? If they did attempt human cloning for reproductive purposes, who would be held accountable? The lead scientists or others, or would the impregnated mother?

The fact is, any legislative effort to prohibit cloning must allow enforcement to occur before a cloned embryo is implanted. Otherwise, it is too late, and that is the big deficiency in the Greenwood substitute.

The substitute attempts to draw a distinction between necessary scientific research and human cloning by authorizing HHS to administer a quasi-registry; quasi because the embryos are not in the custody of HHS, they are maintained by private individuals. However, let us be clear, the crux of this substitute is to invoke a debate on stem cell research, a political knuckle ball, and this debate on stem cell research is a red herring.

First, therapeutic cloning does not exist, not even for experimental tests on animals.

Second, the substitute would require authorized researchers to destroy unused embryos, the first Federal mandate of its kind and a step that is extremely controversial.

Third, the bill allows for the production of cloned embryos for stem cell research. Again, H.R. 2505 does not prohibit stem cell research. It does not prohibit stem cell research. Currently private organizations are able to conduct unfettered research on embryonic stem cells. While this research is ethically and morally controversial, it has been heralded, because embryonic stem cells multiply faster and live longer in petri dishes than adult stem cells.

Cloned embryo cells and normal embryo cells provide the same cellular tissue for research purposes. However, Mr. Speaker, these embryonic stem cells have failed in many clinical tests because they multiply too rapidly, causing cysts and cancers. Adult stem cells are the other area of stem cell research, which is much less controversial and which has been successful in over 45 trials. In fact, adult stem cells have been utilized to treat multiple sclerosis, bone marrow disorders, leukemias, anemias, and cartilage defects and immuno-deficiency in children.

Adult stem cells have been extracted from bone marrow, blood, skeletal muscle, the gastro-intestinal tract, the placenta, and brain tissue, to form bone marrow, bone, cartilage, tendon, muscle, fat, liver, brain, nerve, blood, heart, skeletal muscle, smooth muscle, esophagus, stomach, small intestine, large intestine, and colon cells. H.R. 2505 would not interfere with this work, but it prohibits the production of cloned embryos. It is a cloning bill; it is not a stem cell research bill.

Furthermore, H.R. 2505 allows for cloning research on various molecules, DNA, cells from other human embryos, tissues, organs, plants, animals or animals other than humans. In fact, it allows for cloning research on RNA, ribonucleic acid, which has been used in genetic therapy.

Fourth, the substitute prohibits States from adopting laws that prohibit or more strictly regulate cloning within their borders. It is a Federal preemption. This portion of the substitute raises even more ethical concerns which speak for themselves. Try telling my constituents they cannot ban human cloning, and I will tell you they disagree.

Finally, Mr. Speaker, the substitute contains a 10-year sunset provision. If this were to be enacted, Congress would have to go through this debate once again before the sunset occurs. The ethical and moral objections to human cloning will not change 10 years from now. However, the proponents of human cloning will continue to fight for their right to produce human clones in America; and authorizing a subsequent ban on human cloning could become even more controversial.

This is why Members on both sides of the aisle should rise in opposition to the substitute, defeat it, and pass H.R. 2505.

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

Mr. GREENWOOD. Mr. Speaker, I yield 5 minutes to the distinguished and scholarly gentleman from California (Mr. HORN).

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

First I ask everyone to take a deep breath and step back for a moment.

The House of Representatives is debating a bill that prohibits human cloning. I agree that cloning human beings is ethically unacceptable. In fact, I think just about everyone will reach this conclusion, which leads me to question whether we actually need to legislate something that is so common sense.

Now, let me ask people to imagine the conditions under which Jonas Salk developed a vaccine to prevent polio. Presumably, Dr. Salk spent many hours in his research laboratory, growing tissue cultures, and implanting

within those cultures foreign agents to stimulate and ultimately prevent polio. How many of us then questioned the scientific techniques being used by Dr. Salk, and thousands of other researchers since then to discover new medicines and treatments for debilitating illnesses that plague our society? Can anyone actually say that the polio vaccine is bad because it was developed using tissue samples?

The problems with the discussions surrounding the human cloning bill advanced by the gentleman from Florida (Mr. WELDON) and the gentleman from Michigan (Mr. STUPAK) are two-fold. First, it cloaks a worthwhile and necessary debate in grossly overblown rhetoric; and, second, it is such a broad-brush effort that it would absolutely prohibit potentially life-saving therapies that may prevent and cure diseases such as Alzheimer's, cancer, Lou Gehrig's disease, cardiovascular damage, diabetes, and spinal cord injuries. At 5 o'clock I will be meeting with a group on Hunter's Syndrome. These various diseases could probably very well be researched by NIH and the great universities of this land.

What we are talking about, in short, is watching cells divide in a petri dish. Could this group of cells develop into a human embryo? Maybe, but only if implanted in a womb, and then its development is questionable.

The Greenwood bill permits the technology, but ensures that the group of cells never develops into anything remotely resembling a human being.

So, let me ask, is this cell group really any different from the tissue cultures grown by Dr. Salk? Is this group of cells so special that they deserve all of the moral, ethical, and legal protections that we afford fully developed, fully functional, and fully cognitive emotive human beings?

Is this group of cells so different and so much more important from the frozen fertilized eggs that we are considering using for stem cell research that they deserve more proscriptive treatment? Why are we less concerned about the sanctity of life with eggs that were harvested and fertilized for purposes of creating a human life than in the situation where we have neither of these purposes?

Although I am not convinced that the Greenwood substitute is a perfect alternative, it is certainly a superior alternative to an approach that would stop any sort of life-affirming therapies to advance. I think what has all of us ill at ease is that this technology immediately conjures up images of Dr. Frankenstein or the chemist fiddling with his or her chemistry set creating solutions and potions of unknown characteristics.

I am not a biological scientist myself. I have been a Dean of Graduate Studies and Research. I do know what goes on in universities, and in this Nation we have a great number of laboratories, and this government has helped fund bright young people. We need to encourage them and not limit them.

Honestly, I cannot say I remember much from my own school biology class, and I think a lot of us are in the same way. We were dealing with leaves and not molecular objects. Like most people, I find these images to be disconcerting. But I want to live in a world in which science can be allowed to proceed to find a cure for polio, for Alzheimer's, for any host of tragic diseases, and that treatments might be possible for any of them. We can only do this by letting the science move forward. The Greenwood alternative permits this; Weldon does not.

□ 1630

Ultimately, the debate and science are too complicated to leave to a group of unsophisticated legislators with instruments too blunt to be effective. I am concerned that the House leadership has allowed this debate to proceed in this hasty, reckless fashion.

For this reason alone, we should be the first to follow the Hippocratic Oath: First, do no harm. That means, oppose the Weldon bill.

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

With all due respect to my friend, the gentleman from California (Mr. HORN), I do not think the gentleman has read the bill and I do not think he has been listening to the debate.

This bill does not stop scientific research. This bill does not stop stem cell research. This bill stops research in destruction of cloned embryonic stem cells, no other stem cells whatsoever.

I do not think Dr. Salk used cloned material when he developed the polio vaccine. Nobody even thought of cloning 45, 50 years ago when Dr. Salk was using his research.

Please, let us talk about what is in the bill and what is in the Greenwood substitute, rather than bringing up issues that are completely irrelevant to both.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. STUPAK), the coauthor of the bill.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding time.

I rise today in strong support of the Weldon-Stupak Human Cloning Prohibition Act of 2001, and I would like to thank the gentleman from Florida (Mr. WELDON) for his leadership on this issue.

We are in the midst of a tremendous new debate, a tremendous new policy direction, a tremendous new revolution. We cannot afford to treat the issue of human embryo cloning lightly, nor can we treat it without serious debate and deliberation.

The need for action is clear. A cult has publicly announced its intention to begin human cloning for profit. Research firms have announced their intentions to clone embryos for research purposes and then discard what is not needed. Whatever your beliefs, pro-life, pro-choice, Democrat or Republican, the fact is embryos are the building blocks of human life and human life itself. We must ask ourselves, what will our message be here today? What makes us up as human beings? What is the human spirit? What moves us? What separates us from animals?

That is what we are debating here today.

What message will the United States send? Will it be a cynical signal that human embryo cloning and destruction is okay, acceptable, even to be encouraged, all in the name of science? Or will it be a message urging caution and care? If we allow this research to go forward unchecked, what will be next? Allowing parents to choose the color of the eyes or the hair of their children, or create super babies? We need to consider all aspects of cloning and not just what the researchers tell us is good.

Opposition to the Weldon-Stupak bill has based its objections on arguments that we will stifle research, discourage free thinking, put science back in the Dark Ages. How ridiculous. The Weldon-Stupak bill does nothing of the sort. It allows animal cloning; it allows tissue cloning; it allows current stem cell research being done on existing embryos; it allows DNA cloning. All of this is not seen as stifling research. The fact is, there is no research being done on cloned human embryos, so how can we stifle it?

Mr. Speaker, do we know why there is no research being done? Because scientists, the same ones who are banging on our doors to allow this experiment with human embryos, do not know how to. They have experimented for years with cloned animal embryos with very limited success. These scientists, who were pushing so hard to be allowed a free pass for research on what constitutes the very essence of what it is to be a human, do not know what goes wrong with cloned animal embryos. The horror stories are too many to mention here of deformed mice and deformed sheep developing from cloned embryos.

A prominent researcher working for a bioresearch company has admitted scientists do not know how or what happens in cloned embryos allowing these deformed embryos. In fact, he calls the procedure when an egg reprograms DNA ''magic.'' Magic? That is hardly a comforting or a hard-hitting scientific term, but it is accurate. It is magic.

Opponents of our bill have said embryonic research is the Holy Grail of science and holds the key to untold medical wonders. I say to these opponents, show me your miracles. Show

me the wondrous advances done on animal embryonic cloning. But these opponents cannot show me these advances because they do not exist.

Our ability to delve into the mysteries of life grows exponentially. All fields of science fuse to enhance our ability to go where we have never gone before.

The question is this: Simply because we can do something, does that mean we should do it? What is the better path to take? One of haste and a rush into the benefits that are, at best, years in the future, entrusting cloned human embryos to scientists who do not know what they are doing with cloned animal embryos; or one urging caution, urging a step back, urging deliberation?

The human race is not open for experimentation at any level, even at the molecular level. Has not the 20th century history shown us the folly of this belief?

The Holy Grail? The magic? How about the human soul? Scientists and medical researchers cannot find it, they cannot medically explain it, but writers write about it; songwriters sing about it; we believe in it. From the depths of our souls, we know we should ban human cloning.

For the sake of our soul, reject the substitute and support the Weldon-Stupak bill.

Mr. DEUTSCH. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in support of the Greenwood substitute and in opposition to H.R. 2505.

This debate involves research that holds a great deal of promise for defeating disease and repairing damaged organs. It also involves a great deal of confusion.

In order to tilt the debate about genetic cell replication research, some opponents lump it with Dolly the sheep. No one supports reproductive cloning and no one benefits from such confusion, except those who hope to spur an overreaction. The Greenwood substitute would prohibit reproductive cloning without shutting down valuable research.

Some argue to prohibit genetic cell replication research because it might, in the wrong hands, be turned into reproductive cloning research. I cannot support this argument. All research can be misused. That is why we regulate research, investigate abuse of subjects, and prosecute scientific fraud and misconduct. If researchers give drug overdoses in clinical trials, the law requires that they be disbarred and punished. If someone were to traffic in organs, the law requires they be prosecuted, and if someone were to develop reproductive cloning under the Greenwood substitute, they would be prosecuted for a felony. The Greenwood ban on reproductive cloning will be every bit as effective as the Weldon ban on all research. If someone is deterred by one felony penalty, they will be deterred by the other.

Finally, let me point out that the Greenwood substitute cleans up two major drafting mistakes in the Weldon bill, mistakes that, in and of themselves, should be enough to make Members oppose the Weldon bill.

First, as the dissenting views in the committee report note, this bill criminalizes some forms of infertility treatments. These are not the science fiction clones that people have been talking about today; this is a woman and a man who want to have a child using her egg and his sperm and some other genetic materials to make up for flaws in one or the other; and this bill would make this couple and their doctors felons. That is wrong. They do not want Dolly the sheep, they want a child of their own.

Second, the Weldon bill makes criminal all products that are derived from this research. This means that if an advance in research leads to a new protein or enzyme or chemical, that protein or enzyme or chemical cannot be brought into this country, even if it requires no creation of new fertilized eggs and is the cure for dreaded diseases. That is wrong. It is an overreaction and does not serve any useful end.

I urge my colleagues to support the Greenwood amendment. We should clearly define what is wrongdoing, prohibit it, and enforce that prohibition, but we should not shut down beneficial work, clinical trials, organ transplants, or genetic cell replication because of a risk of wrongdoing; and we should not ban some things by the accident of bad drafting.

Mr. Speaker, I rise in support of the Greenwood substitute and in opposition to H.R. 2505. This debate involves research that holds a great deal of promise for defeating disease and repairing damaged organs. It also involves a great deal of confusion.

Let me try to clear up that confusion by clarifying what we mean by "cloning research," because the term means different things to different people. Some "cloning" research involves, for example, using genetic material to generate one adult skin cell from another adult skin cell. I know of no serious opposition to such research.

Some "cloning" research starts with a human egg cell, inserts a donor's complete genetic material into its core, and allows this cell to multiply to produce new cells, genetically identical to the donor's cells. This is genetic cell replication. These cells can, in theory, be transplanted to be used for organ repair or tissue regeneration—without risk of allergic reaction or rejection. H.R. 2505 would ban that—for no good reason.

Some "cloning" research is for reproduction. It starts with the human egg and donated genetic material, but it is intended to go further, in an effort to create what is essentially a human version of Dolly the sheep, a full-scale living replica of the donor of the genetic material. I know of no serious support for such research and the Greenwood amendment would ban that.

In order to tilt the debate about genetic cell replication research, some opponents lump it with Dolly the sheep. No one supports reproductive cloning, and no one benefits from such confusion except those who hope to spur an overreaction. The Greenwood amendment would prohibit reproductive cloning without shutting down valuable research.

Some also argue to prohibit genetic cell replication research because it might—in the wrong hands—be turned into reproductive cloning research. I cannot support this argument.

Such a prohibition is no more reasonable than to prohibit all clinical trials because researchers might give overdoses deliberately. It is as much overreaching as prohibiting all organ transplant studies because an unscrupulous person might buy or sell organs for profit.

All research can be misused. That's why we regulate research, investigate abuse of subjects, and prosecute scientific fraud and misconduct.

If researchers give drug overdoses in clinical trials, the law requires that they be disbarred and punished. If someone were to traffick in organs, the law requires that they be prosecuted. And if someone were to develop reproductive cloning, under the Greenwood amendment, they could be prosecuted for a felony.

And the Greenwood ban will be every bit as effective as the Weldon ban on all research. If someone is deterred by one felony penalty, they will be deterred by the other

Finally, let me point out that the Greenwood amendment cleans up two major drafting mistakes in the Weldon bill—mistakes that in and of themselves should be enough to make Members oppose the Weldon bill.

First, as the dissenting views in the Committee Report note, this bill criminalizes some forms of infertility treatments. These are not the science fiction clones that people have been talking about today; this is a woman and a man who want to have a child—using her egg and his sperm and some other genetic materials to make up for flaws in one or the other. And this bill would make this couple and their doctor felons. That's wrong. They only want a healthy child of their own—but the Weldon bill would stop that.

Second, the Weldon bill makes criminal all products that are derived from this research. this means that if an advance in research elsewhere leads to a new protein or enzyme or chemical, that protein or enzyme or chemical cannot be brought into the country—even if it requires no creation of new fertilized eggs and is the cure for dreaded diseases. That's wrong. It is an over-reaction that does not serve any useful end.

I urge my colleagues to support the Greenwood amendment. We should clearly define what we believe is wrongdoing, prohibit it, and enforce that prohibition. The Greenwood amendment does that.

But we should not shut down beneficial work—clinical trials, organ transplants, or genetic cell replication—because of a risk of

wrongdoing, and we should not ban some things by the accident of bad drafting.

The Congress should not prohibit potentially life-saving research on genetic cell replication because it accords a cell—a special cell, but only a cell—the same rights and protections as a person. No one supports creating a cloned human being, but we should allow research on how cells work to continue.

Mr. GREENWOOD. Mr. Speaker, I yield myself 30 seconds.

The gentleman from Wisconsin (Mr. STUPAK) asked for an example of how this research is working. Dr. Okarma, who testified at our hearings, spoke of how they have taken mice who had damaged hearts, they used somatic cell nuclear transfer to take the cells of the mice, turn them into pluripotent stem cells, and then into heart cells, and then they injected those heart cells into the heart of the mouse. What happened? Those cells behaved like heart cells. They pumped blood and kept the mouse alive.

All we are asking for here today is to give the people of the world, the people of this country, the same chance that the mouse had.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, John Porter, the former chairman of Labor-HHS, asked me to do a terrible thing once. He asked me to chair a committee with children with exotic diseases. I had to shut down the committee it hurt so much. One little girl said, Congressman, you are the only person that can save my life, and that little child died, and there are thousands of these children.

I am 100 percent pro-life, 11 years, but I support stem cell research of discarded cells. The concern that all of us have is, if we go along with the gentleman from Pennsylvania (Mr. GREENWOOD), the same thing will happen that happened in England. They started with stem cell research, then they expanded it to nuclear transfer of the somatic cells. Then they went to human cloning, and even a subspecies so that they can use body parts.

Where does it stop? The only way that we can control this research through the Federal Government is to make sure that these ethical and moral values are adhered to. We have to stop it here.

Support the Weldon bill, oppose the Greenwood bill.

Mr. DEUTSCH. Mr. Speaker, I yield 2 minutes 15 seconds to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, the Human Cloning Prohibition Act is a bill we should not be debating with such brevity and haste. Cloning is manifestly not the same issue as stem cell research, much less abortion, and 2-minute snippets fail to do justice to the complex issues involved.

I am tempted to vote against both the bill and the substitute on the grounds that neither has been sufficiently refined or adequately debated. But that could be interpreted as a failure to take seriously the ethical issues that cloning raises and the need to block the path to reproductive cloning. That is the last thing we should want to do, for as Leon Kass and Daniel Callahan have argued in a recent article, reproductive cloning would threaten individuality and confuse identity, confounding our very definition of personhood, and it would represent a giant step toward turning procreation into manufacture.

I will vote for the Greenwood substitute as the best of the available alternatives. We are not certain of the promise of somatic cell nuclear transfer, or therapeutic cloning, research for the treatment or cure of diseases such as Alzheimer's, diabetes, Parkinson's or stroke. But we simply must take the enormous potential for human benefit seriously.

In moving to head off morally unacceptable reproductive cloning, we must take great care not to block research for treatments which have great potential for good and could run afoul of the ban included in H.R. 2505.

Critics such as Kass and Callahan argue persuasively that the ban on reproductive cloning contained in the Greenwood substitute would be difficult to enforce. But would the ban of nuclear transfer contained in H.R. 2505 be more easily enforced? As the dissenting views of the Committee on the Judiciary report argue,

> If a ban on the surgical procedure of implanting embryos into the uterus is unenforceable, a ban on a procedure that takes place in a petri dish in the privacy of a scientific laboratory is even more so.

Mr. Speaker, these are very difficult matters. We should not suppose that our votes here today, whatever the result, will resolve them. We must do the best we can, drawing the moral lines that must be drawn, while weighing conscientiously the possible benefits of new lines of research for the entire human family.

I believe the Greenwood substitute is the best among imperfect alternatives, and I urge its adoption.

□ 1645

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. Pitts. Mr. Speaker, we need to clarify something here. This issue is not about what the other side called a group of cells or insoulment or a leap of faith; it is about human life at its very beginning.

This amendment is not a cloning ban. It has a 10-year moratorium in it; but, in fact, for the first time this amendment would specifically make cloning legal, and it would require that human clones be killed after they are made, which is even more unethical.

Now, some have suggested that cloned embryos are not really embryos at all. That is ridiculous. We might as well say that Dolly, who began as a cloned sheep embryo, is not really a sheep, even though now she is 5 years old.

Even President Clinton's Bioethics Advisory Commission was clear. The commission began its discussion fully recognizing that any effort in humans to transfer somatic cell nucleus into an enucleated egg, in other words, cloning, involves the creation of an embryo. Eighty-eight percent of the American people want cloning banned, not merely because they believe it is bad science, but because they think it is morally wrong.

Let us stop playing games with words. Reject the Greenwood amendment. Support Weldon-Stupak.

Mr. Speaker, I include for the RECORD a letter from the National Right to Life Committee, Inc., and a copy of a letter written by Mr. Douglas Johnson:

NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
Washington, DC, July 30, 2001.

FEDERAL PANELS AND RESEARCHERS AGREE: HUMAN CLONING CREATES HUMAN EMBRYOS

DEAR MEMBER OF CONGRESS: At a press conference today, Congressman Greenwood and Congressman Deutsch asserted that the Greenwood-Deutsch substitute amendment to the Weldon-Stupak bill (H.R. 2505) would allow ''therapeutic cloning,'' but they asserted that this process would not involve the creation of any human embryos.

This ''argument,'' if it can be called that, shows a breathtaking lack of candor. For years, federal bio-ethics review bodies have acknowledged that the process of somatic cell nuclear transfer would indeed produce human embryos. For example, President Clinton's handpicked National Bioethics Advisory Commission acknowledged in its 1997 report Cloning Human Beings, ''any effort in humans to transfer a somatic cell nucleus into an enucleated egg *involves the creation of an embryo,* with the apparent potential to be implanted in utero and developed to term.'' [emphasis added]

Earlier this month, Michael West, the head of the major biotech firm Advanced Cell Technology (ACT) of Worcester, Massachusetts, told journalists that the firm intends to start cloning ''soon.'' As recently as the December 27, 2000 issue of the Journal of the American Medical Association, three members of the ACT team, including Dr. West, along with bioethicist Ronald Green of Dartmouth University and two other bioethicists, co-authored a major paper on human cloning that freely acknowledged that the method creates human embryos. They wrote, ''. . . because *therapeutic cloning requires the creation and disaggregation ex utero of blastocyst stage embryos,* this technique raises complex ethical questions,'' [emphasis added]

The attached factsheet includes numerous such admissions from diverse researchers and public bodies. Thus, it is past time for Mr. Greenwood and Mr. Deutsch to drop their disinformation campaign and engage in an honest debate over whether human embryo farms should be allowed in this country. If you oppose the establishment of

human embryo farms, vote no on the Greenwood-Deutsch substitute.

Sincerely,

DOUGLAS JOHNSON,
Legislative Director.

SCIENTISTS SAY ''THERAPEUTIC CLONING'' CREATES A HUMAN EMBRYO—JULY 26, 2001

President Clinton's National Bioethics Advisory Commission, in its 1997 report Cloning Human Beings, explicitly stated:

''The Commission began its discussions fully recognizing that any effort in humans to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo, with the apparent potential to be implanted in utero and developed to term.''

The National Institutes of Health Human Embryo Research Panel also assumed in its September 27, 1994 Final Report, that cloning results in embryos. In listing research proposals that ''should not be funded for the foreseeable future'' because of ''serious ethical concerns,'' the NIH panel included cloning:

''Such research includes: . . . Studies designed to transplant embryonic or adult nuclei into an enucleated egg, including nuclear cloning, in order to duplicate a genome or to increase the number of embryos with the same genotype, with transfer.''

A group of scientists, ethicists, and biotechnology executives advocating ''therapeutic cloning'' and use of human embryos for research—Arthur Caplan of the University of Pennsylvania, Lee Silver of Princeton University, Ronald Green of Dartmouth University, and Michael West, Robert Lanza, and Jose Cibelli of Advanced Cell Technology—confirmed in the December 27, 2000 issue of the Journal of the American Medical Association that a human embryo is created and destroyed through ''therapeutic cloning'':

''CRNT [cell replacement through nuclear transfer, another term for ''therapeutic cloning''] requires the deliberate creation and disaggregation of a human embryo.''

''. . . because therapeutic cloning requires the creation and disaggregation ex utero of blastocyst stage embryos, this technique raises complex ethical questions.''

On September 7, 2000, the European Parliament adopted a resolution on human cloning. The Parliament's press release defined and commented on ''therapeutic cloning'':

''. . . 'Therapeutic cloning,' which involves the creation of human embryos purely for research purposes, poses an ethical dilemma and crosses a boundary in research norms.''

Lee M. Silver, professor of molecular biology and evolutionary biology at Princeton University, argues in his 1997 book, Remarking Eden: Cloning and Beyond in a Brave New World:

''Yet there is nothing synthetic about the cells used in cloning. . . . The newly created embryo can only develop inside the womb of a woman in the same way that all embryos and fetuses develop. Cloned children will be full-fledged human beings, indistinguishable in biological terms from all other members of the species.''

The President and CEO of the biotechnology firm that recently announced its intentions to clone human embryos for research purposes, Michael D. West, Ph.D. of Advanced Cell Technology, testified before a Senate Appropriations Subcommittee on December 2, 1998:

''In this . . . procedure, body cells from a patient would be fused with an egg cell that has had its nucleus (including the nuclear DNA) removed. This would theoretically allow the production of a blastocyst-staged embryo genetically identical to the patient . . . .''

Dr. Ian Wilmut of PPL Technologies, leader of the team that cloned Dolly the sheep, describes in the Spring 1998 issue of Cambridge Quarterly of Healthcare Ethics how embryos are used in the process now referred to as ''therapeutic cloning'':

''One potential use for this technique would be to take cells—skin cells, for example—from a human patient who had a genetic disease. . . . You take this and get them back to the beginning of their life by nuclear transfer into an oocyte to produce a new embryo. From that new embryo, you would be able to obtain relatively simple, undifferentiated cells, which would retain the ability to colonize the tissues of the patient.''

As documented in the American Medical News, February 23, 1998, University of Colorado human embryologist Jonathan Van Blerkom expressed disbelief that some deny that human cloning produces an embryo, commenting: ''If it's not an embryo, what is it?''

Mr. Speaker, I commend to the House the following article written by Mr. Douglas Johnson of the National Right to Life Committee.

THE AMAZING VANISHING EMBRYO TRICK

It was revealed last week that Advanced Cell Technology (ACT) of Worcester, Massachusetts, a prominent privately owned biotechnology firm, has a plan to mass-produce human embryos. The firm also has a plan to render those same embryos nonexistent.

ACT is attempting to develop a technique to produce ''cloned human entities,'' who would then be killed in order to harvest their stem cells, as first reported by Washington Post science writer Rick Weiss (July 13).

As Associated Press biotechnology writer Paul Elias explained in a July 13 report, ''Many scientists consider the [anticipated] results of Advanced Cell's technique to be human embryos, since theoretically, they could be implanted into a womb and grown into a fetus. [ACT chief executive Michael] West himself has used the term 'embryo.'''

But it looks like West and his colleagues will not be saying ''embryo'' in the future. ACT's executives are smart people who anticipated that many outsiders would see their embryo-farm project as an ethnical nightmare. So ACT assembled a special task force of scientists and ''ethicists'' to develop linguistic stealth devices, with which they hope to slip under the public's moral radar.

As Weiss reported it, ''Before starting, the company created an independent ethics board with nationally recognized scientists and ethicists. . . . The group has debated at length whether there needs to be a new term developed for the embryo-like entity created by cloning. Some believe that since it is not produced by fertilization and is not going to be allowed to develop into a fetus, it would be useful to call the cells something less inflammatory than an embryo.''

''Embryo'' is merely a technical term for a human being at the earliest stages of development. Until now, even the most rabid defenders of abortion on demand had not objected to the term ''embryo'' as being ''inflammatory.'' But apparently ACT's experts have concluded that before the corporation actually begins to mass-produce human embryos in order to kill them, it would be prudent to erect a shield of biobabble euphemisms.

Thus, ''These are not embryos,'' the chair of the ACT ethics advisory board, Dartmouth University religion professor Ronald Green, told the AP. ''They are not the result of fertilization and there is no intent to implant these in women and grow them.''

Further details on the ACT linguistic-engineering project were provided in an essay by Weiss in the July 15 Washington Post. It disclosed that one member of the ethics panel, Harvard professor Ann Kieffling, favors dubbing the cloned embryo as an ''ovasome,'' which is a blending of words for ''egg'' and ''body.'' But Michael West currently likes ''nuclear transfer-derived blastocyst.''

Green revealed his own favorite in the New York Times for July 13. ''I'm tending personally to steer toward the term 'activated egg,'" he told reporter Sheryl Gay Stolberg.

In my mind's eye, I imagine Green at ACT corporate headquarters, somewhere in the marketing department, stroking his beard and peering through a one-way window into a room in which a scientifically selected focus group of non-bioethicist citizens have been assembled to test-market ''ovasome,'' ''activated egg,'' ''nuclear transfer-derived blastocyst,'' and other freshly minted euphemisms.

But setting that image aside, Green's statement to the AP has me seriously confused. He said that the anticipated cloned entities are ''not embryos'' because (1) ''they are not the result of fertilization,'' and (2) ''there is no intent to implant these in women.''

Let's consider the ''intent'' criteria first. Green seems to suggest that a living and developing embryonic being, who is genetically a member of the species homo sapiens, can somehow be transformed into something else on the basis of the ''intent'' of those who conceived him or her. This seems more akin to magical thinking than to science.

If ''intent'' is what determines the clone's intrinsic nature, then what if a human clone is created by someone who actually does have ''intent'' to implant him or her in a womb? In that case, would Green consider that particular clone to be a ''embryo'' from the beginning? If so, an ACT scientist hypothetically could create two cloned individuals at the same time, with intent to destroy one and intent to implant the other, but only the latter would be a ''human embryo'' in Green's eyes.

Or—since ''intent'' may be uncertain, or could change—does the magical transformation into an ''embryo'' occur if and when the embryonic entity actually is implanted in a womb?

It seems, however, that Green may not regard the clone to be a human embryo even after implantation in a womb, because the in-utero clone—although he or she would appear to the layman to be an unborn human child—would still bear the burden of not being ''the result of fertilization.'' Perhaps Green would prefer to refer to such an unborn-baby-like entity as an ''extrapolated activated egg.''

But what if that clone is actually carried to term and born? Would Green then consider him or her to be a ''human being''? Could be, but I fear that the professor's logic might lead him to perceive a need for a new term for any baby-like entities and grown-up-people-like entities who were not ''the result of fertilization.''

How about calling them ''activites'' (pronounced ''AC-tiv-ites'')? That would link ''activated egg'' with ''vita,'' which is Latin for ''life,'' and it even smuggles in the ACT corporate acronym, I think I'm getting the hang of this.

Green is a liberal-minded fellow, so I'll bet he would allow such activated human-like

entities to vote, obtain Ph.D.s, and maybe even be awarded tenure. But perhaps they would be required to sign their letters ''Ph.D. (act.),'' so that they would not be confused with other tenured entities, such as Professor Green, who are fully fertilized.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. Speaker, Congress, I hope, will soon ban the drilling for oil in the Alaska National Wildlife Refuge. In the very same week, are we really ready to license industry so it can proceed with the manufacture of cloned human embryos? Do human embryos count less than the pristine wilderness of Alaska, or do they at least have a common claim to protection under law from exploitation and destruction?

We ban the hunting of bald eagles. Communities ban open-air burning. We have banned chlorofluorocarbons. We ban PCBs. Congress voted to ban drilling in the Great Lakes. A ban on human cloning is a transcendent issue which requires no less vigilance.

The question remains, are we ready to stand up to the corporations, which have their eye on human embryos as the next natural resource to exploit? I believe that we are up to this challenge. I know my colleagues believe that government has to draw a line; that the unfettered marketplace has neither morals nor responsibility nor accountability when it comes to cloning of human embryos; and that at this moment, we have an opportunity for the future of this country and for the destiny of our society to take a strong stand to protect human dignity and human uniqueness by banning embryonic human cloning.

I say support the Weldon amendment, the Weldon bill.

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

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman of the Committee for yielding time to me. I certainly commend him on his command of the issues. I think all those years on the Committee on Science have served him well.

This is a complicated issue; but to distill it down to its simplest essence, we have two choices before us: the underlying bill, introduced by my colleague, the gentleman from Michigan (Mr. STUPAK), and I and others, which bans the creation of human embryos, either for the purpose of trying to produce a child or for destructive research purposes; or the approach being proposed under this substitute, which is to essentially sanction and register those people who want to create embryos for research purposes, embryos that will ultimately be destroyed.

I would challenge everyone on the critical question of does the slippery slope exist. We had a debate in this body several years ago on the issue of funding embryonic stem cell research at the NIH. Many people rose to speak in support of funding embryonic stem cell research. They said some interesting things.

Here is a quote from our colleague, the gentlewoman from California (Ms. PELOSI): ''Let me say that I agree with our colleagues who say that we should not be involved in the creation of embryos for research. I completely agree with my colleagues on that score.''

Here is another quote from the gentlewoman from New York (Mrs. LOWEY): ''We can all be assured that the research at the National Institutes of Health will be conducted with the highest level of integrity. No embryos will be created for research purposes.''

Here is a quote from the gentlewoman from Connecticut, Mrs. JOHNSON: ''Lifting this ban would not allow the creation of human embryos solely for research purposes.''

I have other quotes. Yet, that is where we are today. We are having a debate on whether we should now create human embryos for research purposes.

We have had a lot of discussion about whether or not these embryos are alive, whether they have a soul. The biological fact is, and I say this as a scientist and as a physician, that they are indistinguishable from a human embryo that has been created by sexual fertilization. Indeed, if we look at all the prominent researchers in this area, they say that it has the full potential to develop into a human being.

I think, and rightly so, the majority of Americans, and we have seen the numbers, they have been put up here for everyone to see on display charts, about 86 percent of Americans say, We do not want to take that step. It is one thing to talk about stem cell research using embryos that are slated for destruction. It is a whole separate issue to say, we are going to now sanction an industry that creates human embryos.

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

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding time to me. I would like to thank the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Pennsylvania (Mr. GREENWOOD) for the work they have done on this amendment, which I rise in support of.

Let me say why, Mr. Speaker. For years, U.S. physicians, researchers, and scientists have searched for cures to the diseases that have afflicted so many of our families and our friends, and friends of our friends. These physicians, these scientists, and these researchers in my view are the real, true American heroes of our era.

As we stand on the brink of finding the cures to diseases that have plagued so many, so many millions of Americans, unfortunately, the Congress today in my view is on the brink of prohibiting this critical research.

As we debate this bill, scientists in my congressional district in the heart of Silicon Valley are using one method of research, therapeutic cloning, to make critical breakthroughs that could lead to cures for Alzheimer's, for Parkinson's, even for spinal cord injury. Without therapeutic cloning, there is no way to move stem cell therapies from the lab to the doctor's office. Stem cell research, as most Americans know, is not about destroying lives, but about saving them.

My friends on the other side of this issue keep talking about embryos, embryos, embryos, embryos. Well, if one is embryocentric, this is not the bill. Neither is the Stupak-Weldon approach about that. The only reason they used the word ''embryos'' is to try to do an overlay to the debate. This is not about embryos and embryos coming out of stem cells. There is not any such thing.

The Weldon-Stupak bill goes in another direction. It actually places an outright ban on this critical work, and it makes the research that could cure some of these diseases even illegal.

Are we going to take these great American heroes, and in fact, Dr. Okarma from my district, and throw him in jail? I think not. I think that is going too far. It is unconscionable for us not to continue to be the merchants of hope in terms of the business that we are in.

So I think we need to support the GREENWOOD-DEUTSCH approach and throw out the other. It is a march to folly.

Mr. GREENWOOD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HORN).

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

The letter here is from the Association of American Medical Colleges, more than 100 fine medical schools. They back the Deutsch-Greenwood bill for the bipartisan effort that it has made.

Let me just cite a few things: ''As such, we want to urge Mr. GREENWOOD to reject the approach embodied'' in the other form here, and ''we agree with the American public that the cloning of human beings should not proceed.''

According to the National Institutes of Health, somatic cell nuclear transfer technology could provide an invaluable approach on which to study how cells become specialized.

I cited some of those earlier, with Alzheimer's, Parkinson's disease, brain and spinal cord. But there are other types of specialized cells that could be created to create skin grafts for burn victims, bone marrow, stem cells to treat leukemia and other blood diseases; nerve stem cells to treat many of the diseases such as multiple sclerosis and Lou Gehrig's disease, Alzheimer's, Parkinson's, and to repair

spinal cord injury; muscle cell precursors, to treat muscular dystrophy and heart disease.

Mr. Speaker, the president, Jordan J. Cohen, of the Association of American Medical Colleges, says, ''We will never see the fulfillment of any of these promising areas if we choose to take the perilous path of banning outright the use of somatic cell nuclear transfer technology through legislation.''

Mr. Speaker, I include for the RECORD the letter from Dr. Cohen.

The letter referred to is as follows:

Hon. JIM GREENWOOD,

House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE GREENWOOD: The current opportunities in medical research are unparalleled in our nation's history. To help ensure the fulfillment of thee opportunities, the Association of American Medical Colleges urges Congress to oppose legislation that would prohibit the use of somatic cell nuclear transfer. Such a blanket prohibition would have grave implications for future advances in medical research and human healing.

As such, we urge you to reject the approach embodied in H.R. 2505, the ''Human Cloning Prohibition Act of 2001.'' H.R. 2505 would have a chilling effect on vital areas of research that could prove to be of enormous public benefit. Instead, we urge you to adopt the approach taken in H.R. 2608, the ''Cloning Prohibition Act of 2001,'' introduced by Representatives Jim Greenwood (R-Pa.) and Peter Deutsch (D-Fla.). This bill would permit potentially life-saving research to continue, but prohibit the use of somatic cell nuclear transfer ''to initiate a pregnancy or with the intent to initiate a pregnancy.''

We agree with the American public that the cloning of human beings should not proceed. However, it is important to recognize the difference between reproductive cloning and the use of cloning technology that does not create a human being. Non-reproductive cloning technology has potentially important applications in research, medicine and industry, including genetically engineered human cell cultures that would serve as ''therapeutic tissues'' in the treatment of currently intractable human diseases. These uses of somatic cell nuclear transfer technology do not lead to a cloned human being.

According to the National Institutes of Health, somatic cell nuclear transfer technology could provide an invaluable approach by which to study how cells become specialized, which in turn could provide new understanding of the mechanisms that lead to the development of the abnormal cells responsible for cancers and certain birth defects. Improved understanding of cell specialization may also provide answers to how cells age or are regulated—leading to new insights into the treatment or cure of Alzheimer's and Parkinson's diseases, or other incapacitating degenerative disease of the brain and spinal cord. The technology might also help us understand how to activate certain genes to permit the creation of customized cells for transplantation or grafting. Such cells would be * * * could therefore be transplanted into that donor without fear of immune rejection, the major biological barrier to organ and tissue transplantation at this time.

Other types of specialized cells could be created to enable skin grafts for burn victims; bone marrow stem cells to treat leukemia and other blood diseases; nerve stem cells to threat neurodegenerative diseases such as multiple sclerosis, amyotrophic lateral sclerosis (Lou Gehrig's disease), Alzheimer's and Parkinson's disease, and to repair spinal cord injuries; muscle cell precursors to treat muscular dystrophy and heart disease; and cartilage-forming cells to reconstruct joints damaged by injury or arthritis. Somatic cell nuclear transfer technology could also be used potentially to accomplish remarkable increases in the efficiency and efficacy of gene therapy by permitting the creation of pure populations of genetically ''corrected'' cells that could then be delivered back into the patient, again with no risk of immune rejection. Indeed, this technology could well lead to the operationalization of gene therapy as a practicable and effective therapeutic modality—a goal which to date has proved elusive.

We will never see the fulfillment of any of these promising areas if we choose to take the perilous path of banning outright the use of somatic cell nuclear transfer technology through legislation. Thus, the AAMC respectfully urges the Congress to reject H.R. 2505 and adopt H.R. 2608. We thank you for your consideration of this vital issue.

Sincerely,

JORDAN J. COHEN, M.D.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

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

Let me note that I believe the gentleman from Pennsylvania (Mr. GREENWOOD) has injected what I really believe to be a straw man argument when he suggests the issue of insoulment is part of this debate. It is not relevant. We are not talking about insoulment. The real issue before us is the simple but highly profound issue of whether or not it will be legally permissible to create human life for research purposes.

Mr. Speaker, human cloning, if it is not already here, it is certainly on the fast track. It is not a matter of if, it is a matter of when. It seems to me we have to make sure that these newly created human beings are not created for the purpose of exploitation, abuse, and destructive experimentation.

Human life, Mr. Speaker, can survive a few days, a few minutes, a few seconds, a few weeks, a few months, a few years, perhaps to old age. We need to understand and understand the profound truth that life is a continuum.

Earlier in the debate, the gentleman from Pennsylvania (Mr. GREENWOOD) stated that the scientists would simply stop the process, stop the process. Think about those words. What does that mean, stop the process? Stop that human life. That is what we are talking about.

Mr. Speaker, I remember the debate we had some years back in 1996 when some of our colleagues stood up and pounded the tables before them and said, and this is the gentlewoman from California (Ms. PELOSI), ''We should not be involved in the creation of embryos for research. I completely agree with my colleagues on that score.''

I remember that debate. I was here, as were some of my other colleagues. Everyone said they were against the creation of human embryos for human research.

Today, Member after Member gets up and says, I am against human cloning. As I said before, just because we say we are does not mean that we really are.

The only bill that stops human cloning is the Weldon-Stupak bill. I would respectfully say the bill that is offered by my friend and colleague from Pennsylvania will do nothing of the kind. It will perhaps stop some implantation but will not stop human cloning. We must vote for the underlying bill.

Let me note that I believe the gentleman from Pennsylvania (Mr. GREENWOOD) has injected what I really believe to be a straw man argument when he suggests the issue of insoulment is part of this debate. It is not relevant. We are not talking about insoulment. The real issue before us is the simple but highly profound issue of whether or not it will be legally permissible to create human life for research purposes.

Mr. Speaker, human cloning, if it is not already here, it is certainly on the fast track. It is not a matter of if, it is a matter of when. It seems to me we have to make sure that just because science possesses the capability to create cloned human beings that it not be permitted to carry out such plans, especially when the newly created humans would be used for the purpose of exploitation, abuse, and destructive experimentation.

Once created human life, Mr. Speaker, can survive a few seconds, a few minutes, a few days, a few weeks, a few months, a few years, perhaps many years to old age. We need to understand the profound truth that life is a continuum.

Earlier in the debate, the gentleman from Pennsylvania (Mr. GREENWOOD) stated that research scientists would simply ''stop the process,'' so the newly created human life couldn't mature. Think about those words—stop the process. What does that mean, stop the process? It's a euphemistic way of saying stop the life process—kill it.

Mr. Speaker, finally I remember the debate we had in 1996 when some of our colleagues who routinely vote against the wellbeing of unborn children assured us that they would never support creating human embryos for experimentation. One colleague, the gentlewoman from California (Ms. PELOSI), said ''We should not be involved in the creation of embryos for research. I completely agree with my colleagues on that score.''

Well, not anymore. Now the ever expendable human embryo is to be cloned and abused for the benefit of mankind. And that vigorous opposition to embryo research by colleagues like Mrs. PELOSI exists no more, Such a pity.

In like manner, members who say they oppose human cloning and then vote for Greenwood are either kidding themselves—or us—or both.

Reject Greenwood.

□ 1700

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform the

gentleman from Pennsylvania (Mr. GREENWOOD) that he has 4 minutes remaining, the gentleman from Wisconsin (Mr. SENSENBRENNER) has 10 minutes remaining, and the gentleman from Florida (Mr. DEUTSCH) has 6¾ minutes remaining.

Mr. DEUTSCH. Mr. Speaker, I yield myself 5 seconds just to respond, both bills absolutely, positively stop human cloning, period.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I agonized over this, researched it, and know the heartfelt feelings on both sides of the issue. I am unequivocally against human cloning, but I am for a continuation of the research. And I rise in support of the Greenwood-Deutsch amendment because I am convinced that that is the only way that research can continue.

We are on the verge of lifesaving treatments and cures that affect our children and our parents, and to stifle this research now would be an injustice to so many suffering with juvenile and adult diabetes, Alzheimer's, Parkinson's, and other debilitating diseases that claim our loved ones every day.

Some people will say this is not about research; that there is a moral and ethical obligation to protect the sanctity of life, and I respect that. But the sanctity of life is helped, I think, by allowing cutting edge research to move forward that will free diabetic children of their hourly ritual of finger pricks, glucose testing, and insulin shots; that will allow those paralyzed or suffering from spinal cord injuries to walk and resume their normal lives; and that will allow our seniors to fulfill their golden years without suffering the effects of Alzheimer's.

So I will cast my vote for Greenwood-Deutsch, which does ban cloning, and urge my colleagues to do so as well.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time; and I rise in opposition to the Greenwood substitute and for the base bill introduced by the gentleman from Florida (Mr. WELDON) and the gentleman from Michigan (Mr. STUPAK).

The Committee on Commerce held several hearings on cloning, including one in the Subcommittee on Health, which I chair. There is no doubt, as has already been stated so many times, that this is a difficult issue, and it involves many new and complex concepts. However, we should all be clear about the controversies related to human cloning. While this debate claims to be about therapeutic cloning, which is used to refer to cloned human cells not intended to result in a pregnancy, there is a fine line between creation and implantation.

The Committee on Commerce heard testimony from the Geron Corporation. They claim to be interested in therapeutic cloning and not implementing implanting those embryos into a surrogate mother. I think we all agree it would be a disaster to allow the implantation of cloned human embryos. Yet, if we allow therapeutic cloning, how can we truly prevent illegal implantation? We cannot.

Several years ago, the world marveled at the creation of Dolly, the cloned sheep. What most people did not realize was that it took some 270 cloning attempts before there was a successful live birth. Many of the other attempts resulted in early and grotesque deaths. Imagine repeating that scenario with human life. I am confident that none of us want that. Human cloning rises to the most essential question of who we are and what we might become if we open this Pandora's box.

Finally, I would like to applaud President Bush more for his strong support of this important base legislation. The administration strongly supports a ban on human cloning. The statement of the administration position reads, and I quote, ''The administration unequivocally is opposed to the cloning of human beings either for reproduction or for research. The moral and ethical issues posed by human cloning are profound and cannot be ignored in the quest for scientific discovery.''

I commend my colleagues, the gentleman from Florida and the gentleman from Michigan; and I hope my colleagues will join me in supporting H.R. 250 and opposing the substitute.

Mr. DEUTSCH. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank the gentleman for his work on this measure. In fact, I thank all four primary sponsors of the measures that are before us today for their concern and for the effective ban on cloning of human beings.

The central issue, it seems to me, that is before us this afternoon was brought home to me by a prayer for healing that I heard in a service a couple of weeks ago. It goes like this. ''May the source of strength who blessed the ones before us help us find the courage to make our lives a blessing, and let us say amen.''

It struck me that giving human beings the potential of using one's own DNA, one's own life itself to derive the cure for one's own malady, without fear of rejection, without risk of a fruitless national search for a match, is the deepest benefit and most profound blessing conceivable. We should not waste this deepest of gifts.

Help us find the courage to make our lives, our life itself, a blessing.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, 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. I bring this to my colleagues' attention because part of the code, I think, is applicable to our debate today.

The code states that any experiment 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, perhaps it is unnecessary to perform cell extraction from embryos that would result in their death. This would be an argument, I think, that would support the Weldon bill; and so I reluctantly, because the gentleman from Pennsylvania (Mr. GREENWOOD) is making a very good and strong case, I oppose his amendment.

In a recent editorial, Ann Coulter talked about the great demand on the House floor for solving all problems using aborted fetuses. Remember that discussion? We have had that discussion here. And they claimed that we had to have experiments on aborted fetuses because they were crucial to potential cures for Parkinson's disease. Remember that? Well, The New York Times ran a story about a year later about experiments where they actually described the results of those experiments on Parkinson patients. Not only was there no positive effect, but about 15 percent of the patients had nightmarish side effects. The unfortunate patients writhed and twisted, jerked their heads, flung their arms around, and in the words of one scientist, ''They chew constantly, their fingers go up and down, their wrists flex and distend,'' and the scientists could not turn them off.

So I just bring that example that we have been on the floor talking about how much we need to take aborted fetuses and study them to bring about all these panaceas and cures which never came about.

Again, this debate comes down to one about life. A human embryo is life, and to quote Ann Coulter from an article that appeared in a local paper in my district "So what great advance are we to expect from experimentation on human embryos? They don't know. It's just a theory. But they definitely need to slaughter the unborn."

In other words cloning research creates life—then systematically slaughters that life in the effort to find something of which we are unsure that exists.

My colleagues, the Weldon bill does not oppose science and research, rather, it opposes what Ms. Coulter termed as "harvest and slaughter." I urge you to ponder the consequences—oppose the substitute—and vote

for the Weldon bill. In doing so, you are preventing the reduction of human life down to a simple process of planting and harvesting.

Mr. Speaker, I provide the entire article I referred to above for the RECORD.

RESEARCH IS NEWEST 'CURE-ALL' CRAZE

I've nearly died waiting, but it can finally be said: The feminists were right about one thing. Some portion of pro-life men would be pro-choice if they were capable of getting pregnant. They are the ones who think life begins at conception unless Grandma has Alzheimer's and scientists allege that stem-cell research on human embryos might possibly yield a cure.

It's either a life or it's not a life, and it's not much of an argument to say the embryo is going to die anyway. What kind of principle is that? Prisoners on death row are going to die anyway, the homeless are going to die anyway, prisoners in Nazi death camps were going to die anyway. Why not start disemboweling prisoners for these elusive ''cures''?

The last great advance for human experimentation in this country was the federal government's acquiescence to the scientific community's demands for money to experiment on aborted fetuses. Denouncing the ''Christian right'' for opposing the needs of science, Anthony Lewis of the New York Times claimed the experiments were ''crucial to potential cures for Parkinson's disease.''

Almost exactly a year later, the Times ran a front-page story describing the results of those experiments on Parkinson's patients: Not only was there no positive effect, but about 15 percent of the patients had nightmarsh side effects. The unfortunate patients ''writhe and twist, jerk their heads, fling their arms about.'' In the words of one scientist: ''They chew constantly, their fingers go up and down, their wrists flex and distend.'' And the scientists couldn't ''turn it off.''

Mr. DEUTSCH. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to possibly restate what has been stated throughout this debate.

Those of us who believe in the Greenwood-Deutsch substitute are not proposing or are not proponents of human cloning. What we are proponents of are the Bush administration's NIH report entitled Stem Cells, done in June of 2001, that acknowledges the importance of therapeutic cloning.

None of us want to ensure that human beings come out of the laboratory. In fact, I am very delighted to note that language in the legislation that I am supporting, the Greenwood-Deutsch legislation, specifically says that it is unlawful to use or attempt to use human somatic cell nuclear transfer technology or the product of such technology to initiate a pregnancy to create a human being. But what we can do is save lives.

The people that have come into my office, those suffering from Parkinson's disease, Alzheimer's, neurological paralysis, diabetes, stroke, Lou Gehrig's disease, and cancer, and all those who are desirous of having babies with in vitro fertilization, the Weldon bill questions whether that science can continue. I believe it is important to support the substitute, and I would ask my colleagues to do so.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oklahoma (Mr. WATTS), the chairman of the House Republican conference.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Speaker, there is no greater group of people who would benefit from human cloning more than Members of the House of Representatives. What a Congressman or Congresswoman would not give to have a clone sit in a committee hearing while the Member meets with a visiting family from back home in the District, or the clone could do a fund-raiser while the Congressman leads a town hall meeting back home. But doing what is right does not always mean doing what is easy.

Mr. Speaker, we ought to ban all forms of human cloning, and that is why I support the Weldon-Stupak bill and oppose the Deutsch-Greenwood substitute amendment. This House should not be giving the green light to mad scientists to tinker with the gift of life. Life is precious, life is sacred, life is not ours to arbitrarily decide who is to live and who is to die.

The ''brave new world'' should not be born in America. Cloning is an insult to humanity. It is science gone crazy, like a bad B-movie from the 1960s. And as bad as human cloning is, it would lead to even worse atrocities, such as eugenics.

Congress needs to pass a complete ban on human cloning, including what some people call therapeutic cloning. Creating life with the intent to fiddle with it, then destroy it, is not good. We are going down a dangerous road of human manipulation.

Mr. Speaker, I urge Members of the House to vote against the substitute amendment and for the Weldon-Stupak bill. Dolly the sheep should learn to fly before this Congress allows human cloning.

Mr. DEUTSCH. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the Greenwood-Deutsch amendment that bans the cloning of humans. I am concerned that the Weldon bill could negatively impact future research and bring current research that offers great promise to a halt.

I cannot support an all-out ban on this important technology. The Weldon bill would not allow therapeutic cloning to go forward. A ban on all cloning would have a dramatic impact on research using human pluripotent stem cells, and stem cell research really holds the greatest promise for cures for some of our most devastating diseases.

The possibilities of therapeutic cloning should not be barred in the United States. This research is being conducted overseas in Great Britain and other places. Do we want to become a society where our scientists have to move abroad to do their work? This important bill allows important groundbreaking, lifesaving research to go forward. We should support it. It is in the tradition of our country to support research and not send our scientists abroad to conduct it.

Mr. Speaker, The Washington Post agrees, and I will place in the RECORD an editorial of today against the Weldon amendment and in support of the Greenwood-Deutsch amendment.

[From the Washington Post, July 31, 2001]

CLONING OVERKILL

In the rush that precedes August recess, the House of Representatives has found time to schedule a vote today on a bill to ban human cloning. Hardly anyone dissents from the proposition that cloning a human being is a bad idea; large ethical questions about human identity aside, the state of cloning technology in animals at present ensures that all but 3 percent to 5 percent are born with fatal or horrendously disabling defects. But the bill to ban all human cloning, proposed by Rep. David Weldon (R–Fla.), goes well beyond any consensus society has yet reached. It levies heavy criminal penalties not only on the actual cloning of a human baby, termed ''reproductive'' cloning, but also on any scientific or medical use of the underlying technique—which many support as holding valuable potential for the treatment of disease.

The bill's prohibitions go well beyond those under debate for the separate though related research involving human embryonic stem cells. At issue is not the withholding of federal funding from research some find morally troubling; rather, the Weldon bill would criminalize the field of cloning entirely. Such a ban would have ripple effects across the cutting edge of medical research. A complete cloning ban could block many possible clinical applications of stem cell research, and could curb even the usefulness of the adult stem cell research many conservatives claim to favor. (Without the ability to ''reprogram'' an adult stem cell, which can be done by the cloning technique, adult stem cells' use may remain limited.) The bill bans the import from abroad of any materials ''derived'' from the cellular cloning technique; that could block not only tissues but even medicines derived from such research in other countries.

A competing bill likely to be offered as an amendment bans reproductive cloning but creates a complex system for regulating so-called ''therapeutic'' cloning, registering and licensing experimenters to make sure that none would implant a cloned embryo into the womb. A House committee split closely on the question of whether to ban therapeutic along with reproductive cloning, with Republican supporters of the Weldon bill voting down amendments that would have carved out some room for stem cell therapies.

The prospect of human cloning is a cause for real concern, but it is not an imminent

danger. There is still time and good cause for discussion over whether some limited and therapeutic use of cloned embryos is justified. The Weldon bill is a blunt instrument that rules out such possibilities. prematurely, and in doing so, goes too far . Congress should wait.

Mr. SENSENBRENNER. Mr. Speaker, I have only one speaker remaining, and since I have the right to close, I will reserve the balance of my time.

□ 1715

Mr. DEUTSCH. Mr. Speaker, I only have one speaker remaining. I would inquire of the gentleman from Pennsylvania how many speakers he has remaining.

Mr. GREENWOOD. Mr. Speaker, I have 4 minutes which I will use in my closing.

Mr. DEUTSCH. Mr. Speaker, I yield 2–¾ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise in support of the Greenwood-Deutsch substitute and commend them for bringing this alternative to the floor.

During the debate on stem cell research 5 years ago, I made it clear that opponents of stem cell research who claim that it requires the creation of embryos were mistaken, and I agreed with them that Federal funds should not be used for that purpose. Today we debating a much broader ban on therapeutic cloning.

The context is much different. We have learned a great deal about the promise of stem cell research and gene therapy over the past 5 years, and I am opposed to any ban on therapeutic cloning. I just wanted to make the record clear because some quotes were taken out of context about where some of us who had participated in that debate were on this subject.

It is true that embryonic stem cell research can go forward without therapeutic cloning. However, the ability of patients to benefit from stem cell research would be negatively impacted if such a ban were enacted.

Once we learn how to make embryonic stem cells differentiate, for example, into brain tissue for people with Alzheimer's or Parkinson's disease, we must be sure that the body will not reject these stem cells when they are implanted.

We are empowering the body to clone itself, to heal itself. It is a very real concern because transplanted organs or tissues are rejected when the body identifies them as foreign. We all know that.

In a report on stem cell research released by the National Institutes of Health last month, the NIH describes therapeutic cloning's potential to create stem cell tissue with an immunological profile that exactly matches the patient. This customized therapy would dramatically reduce the risk of rejection.

I am opposed to cloning of humans. How many of us have said that today over and over again? Many of my colleagues have already mentioned the chilling possibilities created by the idea of designer children with genetically engineered traits. That is ridiculous. That is not what this debate is about.

Both the Weldon-Stupak bill and the Greenwood-Deutsch substitute agree on this point. The cloning of humans is not the issue at hand. Therapeutic cloning does not and cannot create a child.

Mr. Speaker, the National Institutes of Health and Science hold the biblical power of a cure for us. Where we see scientific opportunity and based on high ethical standards, I believe we have a moral responsibility to have the science proceed, again under the highest ethical standards.

I urge my colleagues to support the Greenwood-Deutsch substitute because it prohibits human cloning, but maintains the opportunity for patients to benefit from therapeutic cloning that could lead to cures for Parkinson's disease, cancer, spinal cord injuries and diabetes. I urge my colleagues to support the substitute.

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

Mr. Speaker, the House of Representatives has debated this issue for nearly 3 hours today. It has been a good debate. Again, as has been said, it is impressive how many Members have become knowledgeable about this subject. It is time to summarize that debate. Let us think about where it is we agree and where it is we fundamentally disagree.

We all agree that we want to ban reproductive cloning, that it is not safe, it is not ethical to bring a child into this world as a replica of someone else. A child deserves to be the unique product of a mother and father and should not be created by cloning. We agree. It is unanimous.

We all agree that stem cell research holds promise. The gentleman from Florida (Mr. WELDON) did not bring a bill to the floor to ban embryonic stem cell research. He did not do that on purpose, because it would not fly with the American people. The American people understand that stem cell research holds enormous potential. I do not think we have heard disagreement about that on the floor today.

The question seems to be, and it has been reiterated repeatedly, is it ethical and should it be legal to create in a petri dish an embryo, or in a petri dish to allow the process of human cell division to begin?

Interestingly enough, that is not part of this bill either. The Weldon bill does not say one cannot create a embryo, that it should be illegal. Why is that? Because the American people would never stand for that because it would be the end of in vitro fertilization.

We are not here to say we will never create an embryo. People have said it, but they did not mean it because nobody has brought to the floor a bill to ban in vitro fertilization. There are too many Members of this body who have benefited from it.

So we say it is okay to create embryos because there are couples in this country and around the world who have not been blessed with a child born of their relationship in the normal way. So they are able to avail themselves of this wonderful technology where we can create their child for them, in vitro in a petri dish, implanted in the woman and out comes a beautiful child. So many families in this country are now blessed by beautiful children who are now brought into the world in this way. It started in a petri dish. What a magnificent thing for mankind to do.

Children get sick and when those same children find themselves stalked with a disease that fills them with pain, that wracks their bodies, that tortures their parents with the predictability that they will watch their children slowly suffer and die. These same children whose lives had begun in petri dishes, who were created by in vitro fertilization, get sick.

Now the question is, would we stop the research in petri dishes in laboratories that would save their lives, these same children, that would end their suffering, that would bring miracle cures to them and bless their families with the continued miracle of their own children? That is what the gentleman from Florida (Mr. WELDON) and his supporters would have us do today.

Over and over again it has been said, I am not against stem cell research. I think a majority of Members of this House are not opposed to stem cell research. They have told me that. I have talked to pretty strong pro-lifers who say, I am going to vote, if I have to, for stem cell research. What they do not understand is that stem cell research, whether it is done with embryonic stem cells or adult stem cells, needs somatic nuclear cell transfer research to make it work.

What do Members think is done with a stem cell from an embryo? It needs to be made into the kind of cell that cures these children, and somatic nuclear transfer technology is needed to do it; and if Members kill this substitute, they kill that hope. Please do not do that.

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

Mr. Speaker, after 3 hours of debate, I am glad that the gentleman from Pennsylvania (Mr. GREENWOOD) has finally cleared up one of the principal items we have been debating. He said the gentleman from Florida (Mr. WELDON) did not bring a bill to the floor to ban stem cell research.

He is right. The Weldon bill does not ban stem cell research. It does not ban it on adult stem cells, it does not ban

it on embryonic stem cells, it bans it on cloned stem cells.

This bill is a cloning bill. The substitute amendment is not. It will allow the creation of cloned embryos to be regulated and sold, and once a cloned embryo is implanted into the uterus of a woman and develops into a child, there really is not anything anybody can do about it. So the Weldon substitute has a loophole a mile wide to allow the creation of cloned human beings because they cannot keep track of the cloned embryos that the Weldon bill attempts to regulate. That is the fatal flaw of the Greenwood substitute.

We heard quotes from three of our colleagues 5 years ago when we were debating a Labor-Health and Human Services bill. I have those quotes in front of me. The gentlewoman from California (Ms. PELOSI) said, ''I agree with our colleagues who say we should not be involved in the creation of embryos for research.''

The gentlewoman from New York (Mrs. LOWEY) said, ''No embryos will be created for research purposes.''

And the gentlewoman from Connecticut (Mrs. JOHNSON) said, ''Lifting this ban would not allow for the creation of human embryos solely for research purposes.''

They were right 5 years ago. We should not be using cloned human embryos for research purposes. I ask Members to vote with them the way they voted 5 years ago and to adhere to that position, because if we do allow cloned human embryos to be used for research purposes, some of them will eventually become human beings.

Mr. Speaker, the way to stop the slippery slope, going down this road into the ethical and moral abyss, is to reject the loophole-filled Greenwood substitute and pass the Weldon bill.

Mr. CONYERS. Mr. Speaker, finally we have a reasonable approach to prohibiting human cloning without prohibiting the ability to conduct valuable medical research.

Although H.R. 2505 bans reproductive cloning, it goes too far by banning necessary therapeutic research which could grant new hope to patients who have been told there is no cure for their illnesses. We all agree that reproductive cloning, cloning to produce a pregnancy, should be prohibited. But, in prohibiting reproductive cloning, we must not exclude valuable research cloning that could lead to significant medical advances.

The Greenwood/Deutsch Substitute Amendment narrows the prohibition and focuses on actions which would result in a cloned child by limiting the prohibition to cloning to initiate or the intent to initiate a pregnancy. This would ensure that the cloning of humans is prohibited, while the use of cloning for medical purposes is preserved. The substitute also protects state laws on human cloning that have been enacted prior to the passage of this legislation.

The Greenwood/Deutsch Substitute includes a registration provision for performing a human somatic cell nuclear transfer, so that the Secretary of Health and Human Services is able to monitor the use of the technology and enforce the prohibition against reproductive cloning.

In addition, this substitute would contain a sunset provision as recommended by the National Bioethics Advisory Commission. According to their report, this provision is essential because it guarantees that Congress will return to this issue and reconsider it in light of new scientific advancements.

Finally, the Greenwood/Deutsch substitute includes a study by the Institute of Medicine to review, evaluate, and assess the current state of knowledge regarding therapeutic cloning.

Join me in supporting this logical approach to cloning technology. This substitute takes a narrower approach by simply prohibiting the use or attempted use of DNA transfer technology with intent to initiate a pregnancy. Adopting the Greenwood/Deutsch alternative preserves the scientific use of the embryonic stem cells and at the same time prevents the unsafe practice of human cloning.

Mr. STARK. Mr. Speaker, I rise in support of H.R. 2608, the Greenwood-Deutsch Cloning Prohibition Act of 2001, and in opposition to H.R. 2505.

Cloning technology has been the subject of heated debate since 1997, when news of the successful cloning of Dolly the sheep rocked the scientific community. The resulting ethical discussions have raised many important questions of scientific development. Perhaps the most important discussions have centered on the lengths to which science can and should go in the future. What remained true throughout the debate, however, is that the vast majority of the American public vehemently opposes the creation of cloned human beings. The Greenwood-Deutsch bill respects that feeling to the utmost.

H.R. 2608 would criminalize reproductive cloning of human beings while simultaneously protecting the rights of scientists to perform somatic cell nuclear transfer. Somatic cell nuclear transfer is a technology that holds great promise for medicine by permitting the creation of stem cells that are genetically identical to the donor. This is valuable because many of the potential medical therapies involving stem cells could be stymied when the immune systems of therapy recipients reject the transferred tissue. Using cloning technology to create stem cells could circumvent this problem. Newly cloned nerve cells, for example, could be used to treat patients with neural degeneration without concern for rejection because the cells would be genetically identical to those already in the brain.

Opponents of this technology repeatedly claim that any therapies involving cloning are merely hypothetical. In this they are absolutely correct. These treatments are hypothetical today, but therapies for Parkinson's, Alzheimer's, and a myriad of other diseases will only remain so if this research is banned, as it is in H.R. 2505, the underlying bill.

In addition to preventing this promising research, the underlying bill would prohibit the importation of the products of clonal research, Such a ban would force the scientific community to turn its back on therapies developed abroad. It would deny the American people promising new therapies available elsewhere for which there may be no alternate treatment.

At some point in our lives, most of us will be touched in some way by Parkinson's Disease, Alzheimer's Disease, spinal cord injury, Juvenile Diabetes, and other maladies for which this technology holds promise. How can we stand in the way of scientific research that has the potential to cure these afflictions? I urge my colleagues to join me in support of the Greenwood-Deutsch substitute, and against the underlying bill.

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

The SPEAKER pro tempore (Mr. QUINN). Pursuant to House Resolution 214, the previous question is ordered on the bill, as amended, and on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. GREENWOOD).

The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. GREENWOOD).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 178, nays 249, not voting 6, as follows:

[Roll No. 302]

YEAS—178

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilchrest
Gilman
Gonzalez
Granger
Green (TX)
Greenwood
Gutierrez
Harman
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy (RI)
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone

Pastor
Payne
Pelosi
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Strickland
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Woolsey
Wynn

NAYS—249

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bonior
Borski
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Knollenberg
Kucinich
LaFalce
LaHood
Langevin
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller, Gary
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Pascrell
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—6

Hastings (FL)
Hutchinson
Jones (OH)
Lipinski
Spence
Stark

□ 1749

Mr. SKEEN and Mr. ABERCROMBIE changed their vote from ''yea'' to ''nay.''

Messrs. FORD, REYES, THOMAS, and ROSS changed their vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. QUINN). The question is on engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Speaker, I offer a motion to recommit.

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

Ms. LOFGREN. I am, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Ms. LOFGREN moves to recommit the bill, H.R. 2505, to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment: Page 4, after line 10, insert the following subsection:

''(e) EXEMPTION FOR MEDICAL TREATMENTS.—Nothing in this section shall prohibit the use of human somatic cell nuclear transfer in connection with the development or application of treatments designed to address Parkinson's disease, Alzheimer's disease, diabetes, cancer, heart disease, spinal cord injury, multiple sclerosis, severe burns, or other diseases, disorders, or conditions, provided that the product of such use is not utilized to initiate a pregnancy and is not intended to be utilized to initiate a pregnancy. Nothing in this subsection shall exempt any product from any applicable regulatory approval.

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

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

Mr. Speaker, as we close the debate on this research issue, there were several Members of the House in opposition to the Greenwood amendment who said that we dare not allow for the possibility of research, there was a slippery slope; that if we allowed research to occur, inevitably there would be those who would then go ahead and clone a human being, which all of us oppose.

I think that that is a fallacious argument. It is a defective argument, because what that argument says is people will violate the law. Well, if that is why we cannot stand up for research today, if the worry is that if we allow for research, that some will violate the law that we passed prohibiting the cloning of human beings, then we would have to go and prohibit the selling of petri dishes and other scientific equipment.

No, that is a defective argument. The real issue is whether or not the House of Representatives intends to allow stem cell research, the somatic cell nuclear transfer technology.

We received in the Committee on the Judiciary a letter from a person who is the Director of the Ethics Institute, the Chair of the Department of Religion at Dartmouth College. This person was the founding director of the Office of Genome Ethics at the NIH National Human Genome Research Institute, a past president of the Society of Christian Ethics, the largest association of religious ethicists.

This is what he told us: ''I wish to draw your attention to the devastating implications for medical science of H.R. 2505. As written, the bill would prohibit several research directions of possibly great medical benefit. Nuclear transfer for cell replacement would permit us to produce immunologically compatible cell lines for tissue repair. There is no intention on the part of those researching this technology to clone a person. Using this technology, a child suffering from diabetes could receive a replacement set of insulin producing cells. These would not be rejected by the child because they would be produced via a nuclear transfer procedure from the child's own body cells. Neither would the implantation of these cells require the use of dangerous immuno-suppression drugs. Using this same technology, paralyzed individuals might receive a graft of nervous system cells that would restore spinal cord function. Burn victims could receive their own skin tissue back for wound healing, and so on.''

Dr. Green goes on to say, ''As presently drafted, H.R. 2505 will shut down this research in this country. This would represent an unparalleled loss to biomedical research, and for no good reason. H.R. 2505, if it is passed in its present form, the United States will turn its back on thousands or millions of sufferers of severe diseases. It will become a research backwater in one of science's most promising areas.''

He goes on to ask that we amend the bill, and that is what this motion to recommit would do. It would allow for an exemption from the bill for medical treatments.

The NIH has been discussed a lot to today, and they produced a primer on stem cell research in May of last year. They point out on page 4 of their primer that the transplant of healthy heart muscle could provide new hope for patients with chronic heart disease whose

hearts can no longer pump adequately. The hope is to develop heart muscles from human pluripotent stem cells.

The problem is, while this research shows extraordinary promise, there is much to be done before we can realize these innovations. First, we must do basic research, says the NIH, to understand the cellular events that lead to cell specialization in humans. But, second, before we can use these cells for transplantation, we must overcome the well-known problem of immune rejection, because human pluripotent stem cells would be genetically no different than the recipient. Future research needs to focus on this, and the use of somatic cell nuclear transfer is the way to overcome this tissue incompatibility.

Some have talked about their religious beliefs today, and that is fine. We all have religious beliefs. But I ask Members to look at this chart. We have a cell that is fused, they become totipotent cells, a blastocyst, and then a handful of cells, undifferentiated, no organs, no nerves, a handful of cells that is put in a petri dish and becomes cultured to pluripotent stem cells.

□ 1800

Now, some have asked me to consider that this clump of cells in the petri dish deserves more respect than human beings needing the therapy that will be derived from those cultured cells.

My father is 82 years old. He suffers from heart disease and pulmonary disorder. He lived through the Depression, he volunteered for World War II. Do not ask me to put a clump of cells ahead of my dad's health.

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

Mr. Speaker, the motion to recommit allows for the production of cloned embryos for the development of treatments designed to address a number of diseases. We just voted this down. This is a reworded Greenwood substitute amendment.

The motion to recommit would allow the practice of creating human embryos solely for the purpose of destroying them for experimentation. This approach to prohibit human cloning would be ineffective and unenforceable.

Once cloned embryos were produced and available in laboratories, it would be virtually impossible to control what is done with them. Stockpiles of cloned embryos would be produced, bought and sold without anyone knowing about it. Implantation of cloned embryos into a woman's uterus, a relatively easy procedure, would take place out of sight. At that point, governmental attempts to enforce a reproductive cloning ban would prove impossible to police or regulate.

Creating cloned human children necessarily begins by producing cloned human embryos. If we want to prevent the latter, we should prevent the former.

The gentlewoman from California (Ms. LOFGREN) says that cloned embryos are necessary to prevent rejection during transplantation for diseases. That is not what the testimony before the Committee on the Judiciary says. Dr. Leon Kass, professor of bioethics at the University of Chicago, said that the clone is not an exact copy of the nucleus donor, and that its antigens, therefore, would provoke an immune reaction when transplanted and there still would be the problem of immunological rejection that cloning is said to be indispensable for solving. So the very argument in her amendment was refuted by Professor Kass's testimony.

Mr. Speaker, H.R. 2505, by banning human cloning at any stage of development, provides the most effective protection from the dangers of abuse inherent in this rapidly developing field. By preventing the cloning of human embryos, there can be no possibility of cloning a human being.

The bill specifically states that nothing shall restrict areas of scientific research not specifically prohibited by this bill, 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.

Mr. Speaker, this bill is a cloning bill; it is not a stem cell research bill. The scientific research is already preserved by H.R. 2505, which is the only real proposal before us that will prevent human cloning.

Oppose the motion to recommit; pass the bill.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion to recommit.

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

RECORDED VOTE

Ms. LOFGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for an electronic vote on final passage.

The vote was taken by electronic device, and there were—ayes 175, noes 251, not voting 7, as follows:

[Roll No. 303]

AYES—175

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Harman
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Lampson
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—251

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bonior
Borski
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston

Kirk
Knollenberg
Kucinich
LaFalce
LaHood
Langevin
Largent
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller, Gary
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Pascrell
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
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
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—7

Hastings (FL)
Hutchinson
Jones (OH)
Lipinski
McKinney
Spence
Stark

□ 1821

Mrs. MEEK of Florida, Mr. ROTHMAN and Mr. ABERCROMBIE changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. QUINN). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 265, noes 162, not voting 6, as follows:

[Roll No. 304]

AYES—265

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Largent
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller, Gary
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
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
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—162

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gilchrest
Gilman
Gonzalez
Greenwood
Gutierrez
Harman
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kaptur
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Lampson
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Pryce (OH)
Ramstad
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—6

Hastings (FL)
Hutchinson
Jones (OH)
Lipinski
Spence
Stark

□ 1830

Mrs. CLAYTON changed her vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 333, BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 333) to amend title 11, United States Code, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. BALDWIN

Ms. BALDWIN. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Ms. BALDWIN of Wisconsin moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the House bill (H.R. 333) be instructed to agree to title X (relating to protection of family farmers and family fishermen) of the Senate amendment.

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from

Wisconsin (Ms. BALDWIN) each will control 30 minutes.

The Chair recognizes the gentlewoman from Wisconsin (Ms. BALDWIN).

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

Mr. Speaker, Chapter 12 bankruptcy protection was created to help farmers in crisis keep their family farms. H.R. 333 makes Chapter 12 permanent. While waiting for this comprehensive bankruptcy reform legislation, Chapter 12 has expired five times. Just during the current Congress, we have been forced to pass two extensions to Chapter 12. It is time to treat our family farmers with the respect that they have earned. Adjusting eligibility to more properly reflect the needs of real family farmers would make a significant improvement to the underlying bill.

This motion on H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001 would instruct the House conferees to accept Senate language on Chapter 12 bankruptcy protection. The other body expanded the definition of family farmer to allow more family farmers to file under the protections of Chapter 12. These changes do three simple things to allow more of our family farmers to qualify for Chapter 12 bankruptcy protection.

First, the amendment will increase from $1.5 million to $3 million the amount of aggregate debt that may be accrued by the family farmer. This is necessary because many family farmers accrue more than the $1.5 million in debt before filing for bankruptcy.

Second, the amendment will reduce from 80 percent to 50 percent the value of a family farm's aggregate noncontingent liquidated debts that must be related to the farming operation. Again, this expanded definition will allow for more families to keep their farms under chapter 12 rather than having to liquidate their farm assets.

Finally, under current law, the person or family must earn more than 50 percent of their gross income from farming in the year prior to bankruptcy. The amendment would look at one of the last 3 years prior to the bankruptcy rather than just the prior year. This change is very important because many farm families split their time between farm and other employment out of necessity. It is not at all unusual for one spouse to work on a nonfarm job to secure health or other benefits for the entire family. In a year prior to declaring bankruptcy, that nonfarm income may easily exceed farm-related income, since low prices and crop failures can dramatically reduce gross income in that year. Looking at one of the 3 years prior to bankruptcy filing will keep true family farms from being denied chapter 12 relief.

During committee consideration, I proposed similar language to expand the definition of family farmer. The majority did not accept the amendment due to a desire to maintain the language negotiated by the Bankruptcy Conference Committee in the 106th Congress in an attempt to avoid a conference committee in this session. My discussions with the bill's author and others in the majority revealed no substantive objection to expanding this definition. Now that the other body has decided to include it in their version of the bill, I hope the House will incorporate it into the bill.

This motion also instructs conferees to accept the Senate language with respect to extending chapter 12 bankruptcy protection to family fishermen. Family fishermen face the same type of financial pressures that are beyond their control as family farmers do. They harvest the oceans like our family farmers harvest the land. Allowing family fishermen to reorganize their debts without losing their equipment that is essential to their livelihood will ensure the continued viability of our family fishermen.

Mr. Speaker, I urge my colleagues to vote in favor of this motion to instruct conferees to accept the chapter 12 positions from the other body. These commonsense amendments will improve the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001 to protect some of the most vulnerable families in America and allow them to maintain their farms and their livelihoods.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the motion to instruct conferees currently under debate.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume first to state that I have no objection to the motion to instruct, and I would urge that the House go on and speedily approve it, hopefully without a rollcall.

Secondly, a concern that I have, and I am looking at the Senate amendment and I am not sure whether it is properly drafted, is to make sure that a family fisherman is a commercial fisherman, rather than having someone claim to be a sport fisherman and thus protecting very expensive yachts, that are used occasionally for fishing purposes, from being sold and the assets distributed amongst the creditors. So the provision in the Senate bill might need some clarification.

But with that reservation, I am happy to support the motion to instruct.

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

Ms. BALDWIN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I rise in support of the motion offered by the gentlewoman from Wisconsin, and I want to commend her for her consistent and forceful stand on behalf of this Nation's embattled family farmers.

The proposed instruction is very straightforward and should not draw any opposition. The Senate language represents a bipartisan consensus that family farmers and embattled family fishermen who now face a crisis ought to be able to reorganize their debts and continue the work on the land or on the water that their families have pursued for generations. That is what this is all about.

The Senate language would expand eligibility for chapter 12 to reflect the current economic realities, not the economic realities of 1986. It increases eligibility from $1.5 million in debt to $3 million in debt. The House bill does not do that. It merely allows the amounts to be adjusted in the future, but does not take into account 15 years of inflation.

Like the House bill, the Senate provision would make chapter 12 permanent. Unlike the House bill, it would recognize for the first time that many family farmers, especially those in distress, do not receive more than 50 percent of their income from farming because one spouse may need to work off the farm to keep the farm afloat. We should not now penalize these people for doing everything in their power to avoid bankruptcy through hard work.

The proposed amendment also extends chapter 12 protection to family fishermen for the first time. They too are subject to the stresses of fluctuating commodity prices, and they also have similar problems of large capital investments and significant preseason debts against the coming harvest which characterize family farmers, and for which chapter 12 has been specifically tailored.

Chapter 12 is not a bailout, it is merely a way for a family farmer, or as we extend it for a family fisherman, to reorganize debts and stay on the land or on the water. It protects family farmers from being swallowed up by agribusiness or suburbanization, it protects our watersheds and drinking water, and it protects those families and communities who have been the backbone of rural America and of our Nation.

Again I commend the gentlewoman from Wisconsin for this motion, and I urge everyone to support it.

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

respond to the gentleman's concerns relating to the language adopted in title X by the other body. As I read the definition of family fisherman, I feel quite confident that this is limited to commercial fishing enterprises and operations and that the gentleman's concern of individuals trying to protect yachts and other luxury boats not used in a commercial fishing venture would not be covered under this.

I am wondering whether the gentleman is supportive of the entire motion or whether he might want to read and satisfy himself that this is indeed protecting only commercial fishing operations.

Mr. SENSENBRENNER. Mr. Speaker, will the gentlewoman yield?

Ms. BALDWIN. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I am not sure that the definition of commercial fishing operation contained in section 1007 in the Senate bill is sufficiently tightly worded to prevent someone who uses a yacht for sport fishing and derives income therefrom from being able to protect the yacht under the bankruptcy code. That is what my concern is.

What I am suggesting to the gentlewoman from Wisconsin, my colleague, is that perhaps section 1007 should be looked at very closely to make sure we are not creating a loophole and that it not be treated as holy writ, not subject to any modification whatsoever.

Mr. CONYERS. Mr. Speaker, I rise in strong support of the Motion to Instruct. This will put the House on the record as supporting Senate passed provisions that are more favorable to our farmers and fishermen.

We always talk about the special need to protect our farmers. They face harsh weather and are constantly being squeezed by corporate farms and hug buyers and wholesalers. The least we can do is help honest farmers and fishermen reorganize their affairs so they can stay in business.

The Senate bill is preferable to the House bill in four key respects. First, it reduces from 80 percent to 50 percent the amount of total debt that must be related to farming. Many farm families are forced to seek multiple outside jobs in order to keep their farms afloat. This should not be a reason that you lose your farm in bankruptcy.

Second, the Senate provision permits family farmers to file for Chapter 12 if they meet the 50 percent requirement in any of the three years prior to filing. For farm families that split their income, low prices or crop failures can dramatically reduce gross income in the year prior to filing. Allowing consideration of any of three years prior to filing will keep farm families from being unfairly denied Chapter 12 relief.

Third, the Senate provision increases the jurisdictional debt limit for filing Chapter 12 from $1.5 million to $3 million. This new figure offsets the effects of inflation of the last 15 years. The $1.5 million limit was established in 1986.

Finally, the Senate bill extends protections to family fishermen so they can protect their boats and fishing equipment. Like agricultural farmers, fishermen face a hostile economic environment and thousands of fishermen leave the business every year. There is no reason to discriminate between family farmers and family fishermen in providing basic key protections.

These provisions will help rural and coastal communities retain their unique character and allow farmers and fishermen to keep their farms and boats. I urge a yes vote on the Motion to Instruct.

Ms. BALDWIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Wisconsin (Ms. BALDWIN).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on the Judiciary for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, HYDE, GEKAS, SMITH of Texas, CHABOT, BARR of Georgia, CONYERS, BOUCHER, NADLER, and WATT of North Carolina.

From the Committee on Financial Services, for consideration of sections 901 through 906, 907A through 909, 911, and 1301 through 1309 of the House bill, and sections 901 through 906, 907A through 909, 911, and 913–4 and title XIII of the Senate amendment, and modifications committed to conference: Messrs. OXLEY, BACHUS, and LAFALCE.

From the Committee on Energy and Commerce, for consideration of title XIV of the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, BARTON of Texas, and DINGELL.

From the Committee on Education and the Workforce, for consideration of section 1403 of the Senate amendment, and modifications committed to conference: Messrs. BOEHNER, CASTLE and KILDEE.

There was no objection.

□ 1845

RAILROAD RETIREMENT AND SURVIVORS' IMPROVEMENT ACT OF 2001

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1140) to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries, as amended.

The Clerk read as follows:

H.R. 1140

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Railroad Retirement and Survivors' Improvement Act of 2001''.

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

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO RAILROAD RETIREMENT ACT OF 1974

Sec. 101. Expansion of widow's and widower's benefits.
Sec. 102. Retirement age restoration.
Sec. 103. Vesting requirement.
Sec. 104. Repeal of railroad retirement maximum.
Sec. 105. Investment of railroad retirement assets.
Sec. 106. Elimination of supplemental annuity account.
Sec. 107. Transfer authority revisions.
Sec. 108. Annual ratio projections and certifications by the Railroad Retirement Board.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

Sec. 201. Amendments to the Internal Revenue Code of 1986.
Sec. 202. Exemption from tax for National Railroad Retirement Investment Trust.
Sec. 203. Repeal of supplemental annuity tax.
Sec. 204. Employer, employee representative, and employee tier 2 tax rate adjustments.

TITLE I—AMENDMENTS TO RAILROAD RETIREMENT ACT OF 1974

SEC. 101. EXPANSION OF WIDOW'S AND WIDOWER'S BENEFITS.

(a) IN GENERAL.—Section 4(g) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(g)) is amended by adding at the end the following new subdivision:

''(10)(i) If for any month the unreduced annuity provided under this section for a widow or widower is less than the widow's or widower's initial minimum amount computed pursuant to paragraph (ii) of this subdivision, the unreduced annuity shall be increased to that initial minimum amount. For the purposes of this subdivision, the unreduced annuity is the annuity without regard to any deduction on account of work, without regard to any reduction for entitlement to an annuity under section 2(a)(1) of this Act, without regard to any reduction for entitlement to a benefit under title II of the Social Security Act, and without regard to any reduction for entitlement to a public service pension pursuant to section 202(e)(7), 202(f)(2), or 202(g)(4) of the Social Security Act.

''(ii) For the purposes of this subdivision, the widow or widower's initial minimum amount is the amount of the unreduced annuity computed at the time an annuity is awarded to that widow or widower, except that—

''(A) in subsection (g)(1)(i) '100 per centum' shall be substituted for '50 per centum'; and

''(B) in subsection (g)(2)(ii) '130 per centum' shall be substituted for '80 per centum' both places it appears.

''(iii) If a widow or widower who was previously entitled to a widow's or widower's

annuity under section 2(d)(1)(ii) of this Act becomes entitled to a widow's or widower's annuity under section 2(d)(1)(i) of this Act, a new initial minimum amount shall be computed at the time of award of the widow's or widower's annuity under section 2(d)(1)(i) of this Act.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect on the first day of the first month that begins more than 30 days after enactment, and shall apply to annuity amounts accruing for months after the effective date in the case of annuities awarded—

(A) on or after that date; and

(B) before that date, but only if the annuity amount under section 4(g) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(g)) was computed under such section, as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35; 95 Stat. 357).

(2) SPECIAL RULE FOR ANNUITIES AWARDED BEFORE THE EFFECTIVE DATE.—In applying the amendment made by this section to annuities awarded before the effective date, the calculation of the initial minimum amount under new section 4(g)(10)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(g)(10)(ii)), as added by subsection (a), shall be made as of the date of the award of the widow's or widower's annuity.

SEC. 102. RETIREMENT AGE RESTORATION.

(a) EMPLOYEE ANNUITIES.—Section 3(a)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(a)(2)) is amended by inserting after ''(2)'' the following new sentence: ''For purposes of this subsection, individuals entitled to an annuity under section 2(a)(1)(ii) of this Act shall, except for the purposes of recomputations in accordance with section 215(f) of the Social Security Act, be deemed to have attained retirement age (as defined by section 216(l) of the Social Security Act).''.

(b) SPOUSE AND SURVIVOR ANNUITIES.—Section 4(a)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(a)(2)) is amended by striking ''if an'' and all that follows through ''section 2(c)(1) of this Act'' and inserting ''a spouse entitled to an annuity under section 2(c)(1)(ii)(B) of this Act''.

(c) CONFORMING REPEALS.—Sections 3(a)(3), 4(a)(3), and 4(a)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(a)(3), 231c(a)(3), and 231c(a)(4)) are repealed.

(d) EFFECTIVE DATES.—

(1) GENERALLY.—Except as provided in paragraph (2), the amendments made by this section shall apply to annuities that begin to accrue on or after January 1, 2002.

(2) EXCEPTION.—The amount of the annuity provided for a spouse under section 4(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(a)) shall be computed under section 4(a)(3) of such Act, as in effect on December 31, 2001, if the annuity amount provided under section 3(a) of such Act (45 U.S.C. 231b(a)) for the individual on whose employment record the spouse annuity is based was computed under section 3(a)(3) of such Act, as in effect on December 31, 2001.

SEC. 103. VESTING REQUIREMENT.

(a) CERTAIN ANNUITIES FOR INDIVIDUALS.—Section 2(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(a)) is amended—

(1) by inserting in subdivision (1) ''(or, for purposes of paragraphs (i), (iii), and (v), five years of service, all of which accrues after December 31, 1995)'' after ''ten years of service''; and

(2) by adding at the end the following new subdivision:

''(4) An individual who is entitled to an annuity under paragraph (v) of subdivision (1), but who does not have at least ten years of service, shall, prior to the month in which the individual attains age 62, be entitled only to an annuity amount computed under section 3(a) of this Act (without regard to section 3(a)(2) of this Act) or section 3(f)(3) of this Act. Upon attainment of age 62, such an individual may also be entitled to an annuity amount computed under section 3(b), but such annuity amount shall be reduced for early retirement in the same manner as if the individual were entitled to an annuity under section 2(a)(1)(iii).''.

(b) COMPUTATION RULE FOR INDIVIDUALS' ANNUITIES.—Section 3(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(a)), as amended by section 102 of this Act, is further amended by adding at the end the following new subdivision:

''(3) If an individual entitled to an annuity under section 2(a)(1)(i) or (iii) of this Act on the basis of less than ten years of service is entitled to a benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act which began to accrue before the annuity under section 2(a)(1)(i) or (iii) of this Act, the annuity amount provided such individual under this subsection, shall be computed as though the annuity under this Act began to accrue on the later of (A) the date on which the benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act began, or (B) the date on which the individual first met the conditions for entitlement to an age reduced annuity under this Act other than the conditions set forth in sections 2(e)(1) and 2(e)(2) of this Act and the requirement that an application be filed.''.

(c) SURVIVORS' ANNUITIES.—Section 2(d)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(d)(1)) is amended by inserting ''(or five years of service, all of which accrues after December 31, 1995)'' after ''ten years of service''.

(d) LIMITATION ON ANNUITY AMOUNTS.—Section 2 of the Railroad Retirement Act of 1974 (45 U.S.C. 231a) is amended by adding at the end the following new subsection:

''(i) An individual entitled to an annuity under this section who has completed five years of service, all of which accrues after 1995, but who has not completed ten years of service, and the spouse, divorced spouse, and survivors of such individual, shall not be entitled to an annuity amount provided under section 3(a), section 4(a), or section 4(f) of this Act unless the individual, or the individual's spouse, divorced spouse, or survivors, would be entitled to a benefit under title II of the Social Security Act on the basis of the individual's employment record under both this Act and title II of the Social Security Act.''.

(e) COMPUTATION RULE FOR SPOUSES' ANNUITIES.—Section 4(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(a)), as amended by section 102 of this Act, is further amended by adding at the end the following new subdivision:

''(3) If a spouse entitled to an annuity under section 2(c)(1)(ii)(A), section 2(c)(1)(ii)(C), or section 2(c)(2) of this Act or a divorced spouse entitled to an annuity under section 2(c)(4) of this Act on the basis of the employment record of an employee who will have completed less than 10 years of service is entitled to a benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act which began to accrue before the annuity under section 2(c)(1)(ii)(A), section 2(c)(1)(ii)(C), section 2(c)(2), or section 2(c)(4) of this Act, the annuity amount provided under this subsection shall be computed as though the annuity under this Act began to accrue on the later of (A) the date on which the benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act began or (B) the first date on which the annuitant met the conditions for entitlement to an age reduced annuity under this Act other than the conditions set forth in sections 2(e)(1) and 2(e)(2) of this Act and the requirement that an application be filed.''.

(f) APPLICATION DEEMING PROVISION.—Section 5(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(b)) is amended by striking the second sentence and inserting the following new sentence: ''An application filed with the Board for an employee annuity, spouse annuity, or divorced spouse annuity on the basis of the employment record of an employee who will have completed less than ten years of service shall be deemed to be an application for any benefit to which such applicant may be entitled under this Act or section 202(a), section 202(b), or section 202(c) of the Social Security Act. An application filed with the Board for an annuity on the basis of the employment record of an employee who will have completed ten years of service shall, unless the applicant specified otherwise, be deemed to be an application for any benefit to which such applicant may be entitled under this Act or title II of the Social Security Act.''.

(g) CREDITING SERVICE UNDER THE SOCIAL SECURITY ACT.—Section 18(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231q(2)) is amended—

(1) by inserting ''(or less than five years of service, all of which accrues after December 31, 1995)'' after ''ten years of service'' every place it appears; and

(2) by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten or more years of service''.

(h) AUTOMATIC BENEFIT ELIGIBILITY ADJUSTMENTS.—Section 19 of the Railroad Retirement Act of 1974 (45 U.S.C. 231r) is amended—

(1) by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service'' in subsection (c); and

(2) by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service'' in subsection (d)(2).

(i) CONFORMING AMENDMENTS.—

(1) Section 6(e)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231e(1)) is amended by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service''.

(2) Section 7(b)(2)(A) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(2)(A)) is amended by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service''.

(3) Section 205(i) of the Social Security Act (42 U.S.C. 405(i)) is amended by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service''.

(4) Section 6(b)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231e(b)(2)) is amended by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service'' the second place it appears.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 104. REPEAL OF RAILROAD RETIREMENT MAXIMUM.

(a) EMPLOYEE ANNUITIES.—

(1) IN GENERAL.—Section 3(f) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(f)) is amended—

(A) by striking subdivision (1); and

(B) by redesignating subdivisions (2) and (3) as subdivisions (1) and (2), respectively.

(2) CONFORMING AMENDMENTS.—

(A) The first sentence of section 3(f)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(f)(1)), as redesignated by paragraph (1)(B), is amended by striking '', without regard to the provisions of subdivision (1) of this subsection,''.

(B) Paragraphs (i) and (ii) of section 7(d)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)) are each amended by striking ''section 3(f)(3)'' and inserting ''section 3(f)(2)''.

(b) SPOUSE AND SURVIVOR ANNUITIES.—Section 4 of the Railroad Retirement Act of 1974 (45 U.S.C. 231c) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002, and shall apply to annuity amounts accruing for months after December 2001.

SEC. 105. INVESTMENT OF RAILROAD RETIREMENT ASSETS.

(a) ESTABLISHMENT OF NATIONAL RAILROAD RETIREMENT INVESTMENT TRUST.—Section 15 of the Railroad Retirement Act of 1974 (45 U.S.C. 231n) is amended by inserting after subsection (i) the following new subsection:

''(j) NATIONAL RAILROAD RETIREMENT INVESTMENT TRUST.—

''(1) ESTABLISHMENT.—The National Railroad Retirement Investment Trust (hereinafter in this subsection referred to as the 'Trust') is hereby established as a trust domiciled in the District of Columbia and shall, to the extent not inconsistent with this Act, be subject to the laws of the District of Columbia applicable to such trusts. The Trust shall manage and invest its assets in the manner set forth in this subsection.

''(2) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—The Trust is not a department, agency, or instrumentality of the Government of the United States and shall not be subject to title 31, United States Code.

''(3) BOARD OF TRUSTEES.—

''(A) GENERALLY.—

''(i) MEMBERSHIP.—The Trust shall have a Board of Trustees, consisting of 7 members. Three shall represent the interests of labor, 3 shall represent the interests of management, and 1 shall be an independent Trustee. The members of the Board of Trustees shall not be considered officers or employees of the Government of the United States.

''(ii) SELECTION.—

''(I) The 3 members representing the interests of labor shall be selected by the joint recommendation of labor organizations, national in scope, organized in accordance with section 2 of the Railway Labor Act, and representing at least ⅔ of all active employees, represented by such national labor organizations, covered under this Act.

''(II) The 3 members representing the interests of management shall be selected by the joint recommendation of carriers as defined in section 1 of the Railway Labor Act employing at least ⅔ of all active employees covered under this Act.

''(III) The independent member shall be selected by a majority of the other 6 members of the Board of Trustees.

A member of the Board of Trustees may be removed in the same manner and by the same constituency that selected that member.

''(iii) DISPUTE RESOLUTION.—In the event that the parties specified in subclause (I), (II), or (III) of the previous clause cannot agree on the selection of Trustees within 60 days of the date of enactment or 60 days from any subsequent date that a position of the Board of Trustees becomes vacant, an impartial umpire to decide such dispute shall, on the petition of a party to the dispute, be appointed by the District Court of the United States for the District of Columbia.

''(B) QUALIFICATIONS.—Members of the Board of Trustees shall be appointed only from among persons who have experience and expertise in the management of financial investments and pension plans. No member of the Railroad Retirement Board shall be eligible to be a member of the Board of Trustees.

''(C) TERMS.—Except as provided in this subparagraph, each member shall be appointed for a 3-year term. The initial members appointed under this paragraph shall be divided into equal groups so nearly as may be, of which one group will be appointed for a 1-year term, one for a 2-year term, and one for a 3-year term. The Trustee initially selected pursuant to clause (ii)(III) shall be appointed to a 3-year term. A vacancy in the Board of Trustees shall not affect the powers of the Board of Trustees and shall be filled in the same manner as the selection of the member whose departure caused the vacancy. Upon the expiration of a term of a member of the Board of Trustees, that member shall continue to serve until a successor is appointed.

''(4) POWERS OF THE BOARD OF TRUSTEES.—The Board of Trustees shall—

''(A) retain independent advisers to assist it in the formulation and adoption of its investment guidelines;

''(B) retain independent investment managers to invest the assets of the Trust in a manner consistent with such investment guidelines;

''(C) invest assets in the Trust, pursuant to the policies adopted in subparagraph (A);

''(D) pay administrative expenses of the Trust from the assets in the Trust; and

''(E) transfer money to the disbursing agent or as otherwise provided in section 7(b)(4), to pay benefits payable under this Act from the assets of the Trust.

''(5) REPORTING REQUIREMENTS AND FIDUCIARY STANDARDS.—The following reporting requirements and fiduciary standards shall apply with respect to the Trust:

''(A) DUTIES OF THE BOARD OF TRUSTEES.—The Trust and each member of the Board of Trustees shall discharge their duties (including the voting of proxies) with respect to the assets of the Trust solely in the interest of the Railroad Retirement Board and through it, the participants and beneficiaries of the programs funded under this Act—

''(i) for the exclusive purpose of—

''(I) providing benefits to participants and their beneficiaries; and

''(II) defraying reasonable expenses of administering the functions of the Trust;

''(ii) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

''(iii) by diversifying investments so as to minimize the risk of large losses and to avoid disproportionate influence over a particular industry or firm, unless under the circumstances it is clearly prudent not to do so; and

''(iv) in accordance with Trust governing documents and instruments insofar as such documents and instruments are consistent with this Act.

''(B) PROHIBITIONS WITH RESPECT TO MEMBERS OF THE BOARD OF TRUSTEES.—No member of the Board of Trustees shall—

''(i) deal with the assets of the Trust in the trustee's own interest or for the trustee's own account;

''(ii) in an individual or in any other capacity act in any transaction involving the assets of the Trust on behalf of a party (or represent a party) whose interests are adverse to the interests of the Trust, the Railroad Retirement Board, or the interests of participants or beneficiaries; or

''(iii) receive any consideration for the trustee's own personal account from any party dealing with the assets of the Trust.

''(C) EXCULPATORY PROVISIONS AND INSURANCE.—Any provision in an agreement or instrument that purports to relieve a trustee from responsibility or liability for any responsibility, obligation, or duty under this Act shall be void: *Provided, however*, That nothing shall preclude—

''(i) the Trust from purchasing insurance for its trustees or for itself to cover liability or losses occurring by reason of the act or omission of a trustee, if such insurance permits recourse by the insurer against the trustee in the case of a breach of a fiduciary obligation by such trustee;

''(ii) a trustee from purchasing insurance to cover liability under this section from and for his own account; or

''(iii) an employer or an employee organization from purchasing insurance to cover potential liability of one or more trustees with respect to their fiduciary responsibilities, obligations, and duties under this section.

''(D) BONDING.—Every trustee and every person who handles funds or other property of the Trust (hereafter in this subsection referred to as 'Trust official') shall be bonded. Such bond shall provide protection to the Trust against loss by reason of acts of fraud or dishonesty on the part of any Trust official, directly or through the connivance of others, and shall be in accordance with the following:

''(i) The amount of such bond shall be fixed at the beginning of each fiscal year of the Trust by the Railroad Retirement Board. Such amount shall not be less than 10 percent of the amount of the funds handled. In no case shall such bond be less than $1,000 nor more than $500,000, except that the Railroad Retirement Board, after consideration of the record, may prescribe an amount in excess of $500,000, subject to the 10 per centum limitation of the preceding sentence.

''(ii) It shall be unlawful for any Trust official to receive, handle, disburse, or otherwise exercise custody or control of any of the funds or other property of the Trust without being bonded as required by this subsection and it shall be unlawful for any Trust official, or any other person having authority to direct the performance of such functions, to permit such functions, or any of them, to be performed by any Trust official, with respect to whom the requirements of this subsection have not been met.

''(iii) It shall be unlawful for any person to procure any bond required by this subsection from any surety or other company or through any agent or broker in whose business operations such person has any control or significant financial interest, direct or indirect.

''(E) AUDIT AND REPORT.—

''(i) The Trust shall annually engage an independent qualified public accountant to audit the financial statements of the Trust.

''(ii) The Trust shall submit an annual management report to the Congress not later than 180 days after the end of the Trust's fiscal year. A management report under this subsection shall include—

''(I) a statement of financial position;

''(II) a statement of operations;

''(III) a statement of cash flows;

''(IV) a statement on internal accounting and administrative control systems;

''(V) the report resulting from an audit of the financial statements of the Trust conducted under clause (i); and

''(VI) any other comments and information necessary to inform the Congress about the operations and financial condition of the Trust.

''(iii) The Trust shall provide the President, the Railroad Retirement Board, and the Director of the Office of Management and Budget a copy of the management report when it is submitted to Congress.

''(F) ENFORCEMENT.—The Railroad Retirement Board may bring a civil action—

''(i) to enjoin any act or practice by the Trust, its Board of Trustees, or its employees or agents that violates any provision of this Act; or

''(ii) to obtain other appropriate relief to redress such violations, or to enforce any provisions of this Act.

''(6) RULES AND ADMINISTRATIVE POWERS.—The Board of Trustees shall have the authority to make rules to govern its operations, employ professional staff, and contract with outside advisers, including the Railroad Retirement Board, to provide legal, accounting, investment advisory, or other services necessary for the proper administration of this subsection. In the case of contracts with investment advisory services, compensation for such services may be on a fixed contract fee basis or on such other terms and conditions as are customary for such services.

''(7) QUORUM.—Five members of the Board of Trustees constitute a quorum to do business. Investment guidelines must be adopted by a unanimous vote of the entire Board of Trustees. All other decisions of the Board of Trustees shall be decided by a majority vote of the quorum present. All decisions of the Board of Trustees shall be entered upon the records of the Board of Trustees.

''(8) FUNDING.—The expenses of the Trust and the Board of Trustees incurred under this subsection shall be paid from the Trust.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS GOVERNING INVESTMENTS.—Section 15(e) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(e)) is amended—

(1) in the first sentence, by striking '', the Dual Benefits Payments Account'' and all that follows through ''may be made only'' in the second sentence and inserting ''and the Dual Benefits Payments Account as are not transferred to the National Railroad Retirement Investment Trust as the Board may determine'';

(2) by striking ''the Second Liberty Bond Act, as amended'' and inserting ''chapter 31 of title 31''; and

(3) by striking ''the foregoing requirements'' and inserting ''the requirements of this subsection''.

Amend section 105 by adding at the end the following new subsection:

(c) MEANS OF FINANCING.—For all purposes of the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and chapter 11 of title 31, United States Code, and notwithstanding section 20 of the Office of Management and Budget Circular No. A-11, the purchase or sale of non-Federal assets (other than gains or losses from such transactions) by the National Railroad Retirement Investment Trust shall be treated as a means of financing.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the month that begins more than 30 days after enactment.

SEC. 106. ELIMINATION OF SUPPLEMENTAL ANNUITY ACCOUNT.

(a) SOURCE OF PAYMENTS.—Section 7(c)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(c)(1)) is amended by striking ''payments of supplemental annuities under section 2(b) of this Act shall be made from the Railroad Retirement Supplemental Account, and''.

(b) ELIMINATION OF ACCOUNT.—Section 15(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(c)) is repealed.

(c) AMENDMENT TO RAILROAD RETIREMENT ACCOUNT.—Section 15(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(a)) is amended by striking '', except those portions of the amounts covered into the Treasury under sections 3211(b),'' and all that follows through the end of the subsection and inserting a period.

(d) TRANSFER.—

(1) DETERMINATION.—As soon as possible after December 31, 2001, the Railroad Retirement Board shall—

(A) determine the amount of funds in the Railroad Retirement Supplemental Account under section 15(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(c)) as of the date of such determination; and

(B) direct the Secretary of the Treasury to transfer such funds to the National Railroad Retirement Investment Trust under section 15(j) of such Act (as added by section 105).

(2) TRANSFER BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall make the transfer described in paragraph (1).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsections (a), (b), and (c) shall take effect January 1, 2002.

(2) ACCOUNT IN EXISTENCE UNTIL TRANSFER MADE.—The Railroad Retirement Supplemental Account under section 15(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(c)) shall continue to exist until the date that the Secretary of the Treasury makes the transfer described in subsection (d)(2).

SEC. 107. TRANSFER AUTHORITY REVISIONS.

(a) RAILROAD RETIREMENT ACCOUNT.—Section 15 of the Railroad Retirement Act of 1974 (45 U.S.C. 231n) is amended by adding after subsection (j) the following new subsection:

''(k) TRANSFERS TO THE TRUST.—The Board shall, upon establishment of the National Railroad Retirement Investment Trust and from time to time thereafter, direct the Secretary of the Treasury to transfer, in such manner as will maximize the investment returns to the Railroad Retirement system, that portion of the Railroad Retirement Account that is not needed to pay current administrative expenses of the Board to the National Railroad Retirement Investment Trust. The Secretary shall make that transfer.''.

(b) TRANSFERS FROM THE NATIONAL RAILROAD RETIREMENT INVESTMENT TRUST.—Section 15 of the Railroad Retirement Act of 1974 (45 U.S.C. 231n), as amended by subsection (a), is further amended by adding after subsection (k) the following new subsection:

''(l) NATIONAL RAILROAD RETIREMENT INVESTMENT TRUST.—The National Railroad Retirement Investment Trust shall from time to time transfer to the disbursing agent described in section 7(b)(4) or as otherwise directed by the Railroad Retirement Board pursuant to section 7(b)(4), such amounts as may be necessary to pay benefits under this Act (other than benefits paid from the Social Security Equivalent Benefit Account or the Dual Benefit Payments Account).''.

(c) SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—

(1) TRANSFERS TO TRUST.—Section 15A(d)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(d)(2)) is amended to read as follows:

''(2) Upon establishment of the National Railroad Retirement Investment Trust and from time to time thereafter, the Board shall direct the Secretary of the Treasury to transfer, in such manner as will maximize the investment returns to the Railroad Retirement system, the balance of the Social Security Equivalent Benefit Account not needed to pay current benefits and administrative expenses required to be paid from that Account to the National Railroad Retirement Investment Trust, and the Secretary shall make that transfer. Any balance transferred under this paragraph shall be used by the National Railroad Retirement Investment Trust only to pay benefits under this Act or to purchase obligations of the United States that are backed by the full faith and credit of the United States pursuant to chapter 31 of title 31, United States Code. The proceeds of sales of, and the interest income from, such obligations shall be used by the Trust only to pay benefits under this Act.''.

(2) TRANSFERS TO DISBURSING AGENT.—Section 15A(c)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(c)(1)) is amended by adding at the end the following new sentence: ''The Secretary shall from time to time transfer to the disbursing agent under section 7(b)(4) amounts necessary to pay those benefits.''.

(3) CONFORMING AMENDMENT.—Section 15A(d)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(d)(1)) is amended by striking the second and third sentences.

(d) DUAL BENEFITS PAYMENTS ACCOUNT.—Section 15(d)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(d)(1)) is amended by adding at the end the following new sentence: ''The Secretary of the Treasury shall from time to time transfer from the Dual Benefits Payments Account to the disbursing agent under section 7(b)(4) amounts necessary to pay benefits payable from that Account.''.

(e) CERTIFICATION BY THE BOARD AND PAYMENT.—Paragraph (4) of section 7(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) is amended to read as follows:

''(4)(A) The Railroad Retirement Board, after consultation with the Board of Trustees of the National Railroad Retirement Investment Trust and the Secretary of the Treasury, shall enter into an arrangement with a nongovernmental financial institution to serve as disbursing agent for benefits payable under this Act who shall disburse consolidated benefits under this Act to each recipient. Pending the taking effect of that arrangement, benefits shall be paid as under the law in effect prior to the enactment of the Railroad Retirement and Survivors' Improvement Act of 2001.

''(B) The Board shall from time to time certify—

''(i) to the Secretary of the Treasury the amounts required to be transferred from the Social Security Equivalent Benefit Account

and the Dual Benefits Payments Account to the disbursing agent to make payments of benefits and the Secretary of the Treasury shall transfer those amounts;

''(ii) to the Board of Trustees of the National Railroad Retirement Investment Trust the amounts required to be transferred from the National Railroad Retirement Investment Trust to the disbursing agent to make payments of benefits and the Board of Trustees shall transfer those amounts; and

''(iii) to the disbursing agent the name and address of each individual entitled to receive a payment, the amount of such payment, and the time at which the payment should be made.''.

(f) BENEFIT PAYMENTS.—Section 7(c)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(c)(1)) is amended—

(1) by striking ''from the Railroad Retirement Account'' and inserting ''by the disbursing agent under subsection (b)(4) from money transferred to it from the National Railroad Retirement Investment Trust or the Social Security Equivalent Benefit Account, as the case may be''; and

(2) by inserting ''by the disbursing agent under subsection (b)(4) from money transferred to it'' after ''Public Law 93–445 shall be made''.

(g) TRANSITIONAL RULE FOR EXISTING OBLIGATION.—In making transfers under sections 15(k) and 15A(d)(2) of the Railroad Retirement Act of 1974, as amended by subsections (a) and (c), respectively, the Railroad Retirement Board shall consult with the Secretary of the Treasury to design an appropriate method to transfer obligations held as of the date of enactment of this Act or to convert such obligations to cash at the discretion of the Railroad Retirement Board prior to transfer. The National Railroad Retirement Investment Trust may hold to maturity any obligations so received or may redeem them prior to maturity, as the Trust deems appropriate.

SEC. 108. ANNUAL RATIO PROJECTIONS AND CERTIFICATIONS BY THE RAILROAD RETIREMENT BOARD.

(a) PROJECTIONS.—Section 22(a)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a)(1)) is amended—

(1) by inserting after the first sentence the following new sentence: ''On or before May 1 of each year beginning in 2003, the Railroad Retirement Board shall compute its projection of the account benefits ratio and the average account benefits ratio (as defined by section 3241(c) of the Internal Revenue Code of 1986) for each of the next succeeding five fiscal years.''; and

(2) by striking ''the projection prepared pursuant to the preceding sentence'' and inserting ''the projections prepared pursuant to the preceding two sentences''.

(b) CERTIFICATIONS.—The Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

''COMPUTATION AND CERTIFICATION OF ACCOUNT BENEFIT RATIOS

''SEC. 23. (a) INITIAL COMPUTATION AND CERTIFICATION.—On or before November 1, 2003, the Railroad Retirement Board shall—

''(1) compute the account benefits ratios for each of the most recent 10 preceding fiscal years, and

''(2) certify the account benefits ratios for each such fiscal year to the Secretary of the Treasury.

''(b) COMPUTATIONS AND CERTIFICATIONS AFTER 2003.—On or before November 1 of each year after 2003, the Railroad Retirement Board shall—

''(1) compute the account benefits ratio for the fiscal year ending in such year, and

''(2) certify the account benefits ratio for such fiscal year to the Secretary of the Treasury.

''(c) DEFINITION.—As used in this section, the term 'account benefits ratio' has the meaning given that term in section 3241(c) of the Internal Revenue Code of 1986.''.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

SEC. 201. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 202. EXEMPTION FROM TAX FOR NATIONAL RAILROAD RETIREMENT INVESTMENT TRUST.

Subsection (c) of section 501 is amended by adding at the end the following new paragraph:

''(28) The National Railroad Retirement Investment Trust established under section 15(j) of the Railroad Retirement Act of 1974.''.

SEC. 203. REPEAL OF SUPPLEMENTAL ANNUITY TAX.

(a) REPEAL OF TAX ON EMPLOYEE REPRESENTATIVES.—Section 3211 is amended by striking subsection (b).

(b) REPEAL OF TAX ON EMPLOYERS.—Section 3221 is amended by striking subsections (c) and (d) and by redesignating subsection (e) as subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2001.

SEC. 204. EMPLOYER, EMPLOYEE REPRESENTATIVE, AND EMPLOYEE TIER 2 TAX RATE ADJUSTMENTS.

(a) RATE OF TAX ON EMPLOYERS.—Subsection (b) of section 3221 is amended to read as follows:

''(b) TIER 2 TAX.—

''(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the applicable percentage of the compensation paid during any calendar year by such employer for services rendered to such employer.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—

''(A) 15.6 percent in the case of compensation paid during 2002,

''(B) 14.2 percent in the case of compensation paid during 2003, and

''(C) in the case of compensation paid during any calendar year after 2003, the percentage determined under section 3241 for such calendar year.''.

(b) RATE OF TAX ON EMPLOYEE REPRESENTATIVES.—Section 3211, as amended by section 203, is amended by striking subsection (a) and inserting the following new subsections:

''(a) TIER 1 TAX.—In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to the applicable percentage of the compensation received during any calendar year by such employee representative for services rendered by such employee representative. For purposes of the preceding sentence, the term 'applicable percentage' means the percentage equal to the sum of the rates of tax in effect under subsections (a) and (b) of section 3101 and subsections (a) and (b) of section 3111 for the calendar year.

''(b) TIER 2 TAX.—

''(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to the applicable percentage of the compensation received during any calendar year by such employee representatives for services rendered by such employee representative.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—

''(A) 14.75 percent in the case of compensation received during 2002,

''(B) 14.20 percent in the case of compensation received during 2003, and

''(C) in the case of compensation received during any calendar year after 2003, the percentage determined under section 3241 for such calendar year.

''(c) CROSS REFERENCE.—

''For application of different contribution bases with respect to the taxes imposed by subsections (a) and (b), see section 3231(e)(2).''.

(c) RATE OF TAX ON EMPLOYEES.—Subsection (b) of section 3201 is amended to read as follows:

''(b) TIER 2 TAX.—

''(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of each employee a tax equal to the applicable percentage of the compensation received during any calendar year by such employee for services rendered by such employee.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—

''(A) 4.90 percent in the case of compensation received during 2002 or 2003, and

''(B) in the case of compensation received during any calendar year after 2003, the percentage determined under section 3241 for such calendar year.''.

(d) DETERMINATION OF RATE.—Chapter 22 is amended by adding at the end the following new subchapter:

''Subchapter E—Tier 2 Tax Rate Determination

''Sec. 3241. Determination of tier 2 tax rate based on average account benefits ratio.

''SEC. 3241. DETERMINATION OF TIER 2 TAX RATE BASED ON AVERAGE ACCOUNT BENEFITS RATIO.

''(a) IN GENERAL.—For purposes of sections 3201(b), 3211(b), and 3221(b), the applicable percentage for any calendar year is the percentage determined in accordance with the table in subsection (b).

''(b) TAX RATE SCHEDULE.—

"Average account benefits ratio		Applicable percentage for sections 3211(b) and 3221(b)	Applicable percentage for section 3201(b)
At least	But less than		
	2.5	22.1	4.9
2.5	3.0	18.1	4.9
3.0	3.5	15.1	4.9
3.5	4.0	14.1	4.9
4.0	6.1	13.1	4.9
6.1	6.5	12.6	4.4
6.5	7.0	12.1	3.9
7.0	7.5	11.6	3.4
7.5	8.0	11.1	2.9
8.0	8.5	10.1	1.9
8.5	9.0	9.1	0.9
9.0		8.2	0

''(c) DEFINITIONS RELATED TO DETERMINATION OF RATES OF TAX.—

''(1) AVERAGE ACCOUNT BENEFITS RATIO.—For purposes of this section, the term 'average account benefits ratio' means, with respect to any calendar year, the average determined by the Secretary of the account benefits ratios for the 10 most recent fiscal years ending before such calendar year. If the amount determined under the preceding sentence is not a multiple of 0.1, such amount shall be increased to the next highest multiple of 0.1.

''(2) ACCOUNT BENEFITS RATIO.—For purposes of this section, the term 'account benefits ratio' means, with respect to any fiscal year, the amount determined by the Railroad Retirement Board by dividing the fair market value of the assets in the Railroad Retirement Account and of the National Railroad Retirement Investment Trust (and for years before 2002, the Social Security Equivalent Benefits Account) as of the close of such fiscal year by the total benefits and administrative expenses paid from the Railroad Retirement Account and the National Railroad Retirement Investment Trust during such fiscal year.

''(d) NOTICE.—No later than December 1 of each calendar year, the Secretary shall publish a notice in the Federal Register of the rates of tax determined under this section which are applicable for the following calendar year.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 24(d)(3)(A)(iii) is amended by striking ''section 3211(a)(1)'' and inserting ''section 3211(a)''.

(2) Section 72(r)(2)(B)(i) is amended by striking ''3211(a)(2)'' and inserting ''3211(b)''.

(3) Paragraphs (2)(A)(iii)(II) and (4)(A) of section 3231(e) are amended by striking ''3211(a)(1)'' and inserting ''3211(a)''.

(4) Section 3231(e)(2)(B)(ii)(I) is amended by striking ''3211(a)(2)'' and inserting ''3211(b)''.

(5) The table of subchapters for chapter 22 is amended by adding at the end the following new item:

''Subchapter E. Tier 2 tax rate determination.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2001.

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, does the gentleman from Minnesota oppose the bill?

Mr. OBERSTAR. No, I do not.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am opposed and I would claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

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

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to yield 10 minutes to the gentleman from Minnesota (Mr. OBERSTAR) for purposes of control.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota will control 10 minutes of the time.

There was no objection.

The SPEAKER pro tempore. The gentleman from Alaska is recognized for 10 minutes.

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

I strongly support H.R. 1140, the Railroad Retirement and Survivors' Improvement Act of 2001. Thanks to the heroic efforts of the Speaker of the House, the Honorable DENNIS HASTERT, we have been able to reach an agreement on this historic legislation.

H.R. 1140 is virtually identical to the railroad retirement bill that passed the House last year, 391 to 25, but was not taken up by the other body. This Congress made several technical changes, such as inserting updated effective dates. We have also included language drafted by the House Committee on the Budget that clarifies the authors' intent that transferring funds to the new investment trust does not result in outlays.

To address concerns raised about protecting the investment of tier 2 pension assets from possible influence by the Federal Government, we have also included labor and management selection process for the board of trustees who will manage those assets.

By moving a portion of the Railroad Retirement Trust Fund out of mandatory investment in Treasury bonds and giving it more investment flexibility, this landmark bill will provide enhanced benefits to railroad retirees, as well as reduced taxes on railroad employers.

A 2 percent increase in the rate of return, which is quite conservative based on historical trends, will provide the needed boost to allow for these benefit increases and payroll tax cuts.

H.R. 1140 includes safety provisions that automatically adjust payroll tax rates upward if historically predicted increases in retirement fund returns do not materialize. The burden of higher taxes will fall entirely on railroad employers, not the employees.

I would like to commend the subcommittee chairman, the gentleman from New York (Mr. QUINN), for prompting the negotiations between labor and management that produced this legislation.

The bipartisan comprehensive reform package we have before us today reduces the financial burden on employers as well as the employees, while providing an overall increase in benefits, a targeted increase for widows and widowers of railroad retirees, and a reduced tier 2 retirement age.

Let me briefly mention an unfounded concern that has been voiced about this bill. Many people have been told this bill involves a $15 billion first-year hit on the U.S. Treasury. Thanks to the hard work of the Speaker of the House, the OMB and the House leadership have agreed on legislative language that avoids this fictional outlay. This language reflects the fact that taking the $15 billion tier 2 pension fund out of the current approach of investing only in Treasury bonds, and allowing professional, diversified management of the investment, is not spending.

Mr. Speaker, the wisdom and widespread support of this bill is demonstrated by the fact that it has 371 sponsors. And for those who say the bill raids the Treasury, let me advise them that 30 of the 42 members of the Committee on the Budget are sponsors of the bill. Furthermore, even the CBO admits that the scoring of this bill is ill-suited to the type of reinvestment this bill would allow.

Mr. Speaker, this bill represents several years' effort and difficult negotiations between railroad labor and railroad management. I commend my colleagues on the railroading industry for their diligence and cooperation.

I am also very pleased that the bipartisan leadership of this committee worked cooperatively to move this legislation again in the 107th Congress. Working on a bipartisan basis in this committee has allowed us to enact significant legislation on behalf of our constituents. H.R. 1140 will set yet another example of this proud record.

I thank my colleague and ranking Democrat on the committee, the gentleman from Minnesota (Mr. OBERSTAR), and the subcommittee ranking member, the gentleman from Tennessee (Mr. CLEMENT) for their cooperation and support.

I urge swift passage of H.R. 1140.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, in deference to my colleagues both on that side and this side, I appreciate their position on this, but I rise in strong opposition to the Railroad Retirement and Survivors' Improvement Act.

This bill really is a fake, a fraud and a phony. It breaks every promise we have made to the American people and treats every other senior citizen as a second-class citizen.

This legislation gives preferential treatment to a select few, 900,000 railroad people. It raids the Social Security-Medicare Trust Funds. It is absurd that the Federal Government allows one group of people to retire at age 60 while others will have to wait until they turn 65 or in the future, age 67, and this bill does just that.

Under this fatally flawed legislation, railroad retirees will be able to retire at age 60 and receive Social Security equivalent retirement benefits. Every other American has to wait until at least age 65 to get full Social Security, and 67 for those that are following us.

For the same group of railroaders, we have decided to break open the Social Security and Medicare lockbox to give railroaders their new benefits. Nobody can say with a straight face that this measure will not raid the Social Security and Medicare Trust Funds.

A provision added to the bill today would direct the OMB to pretend that the bill does not cost anything. In reality, it costs $15 billion in the first year and an additional $7 billion over the next 10 years, and the Committee on Transportation and Infrastructure's own analysis cites that.

Worse, the program is already receiving subsidies from the Social Security Trust Fund. Since 1958, the Railroad Trust Fund has needed money. The subsidy has been nearly $84 billion, and last year alone, the railroad retirement bilked $3.5 from the Social Security Trust Fund. In fact, the Social Security Administration spends more money on the railroad retirement system than it spends on all Social Security administrative costs, not to mention this bill sets a terrible precedent for the future of Social Security. Instead of private accounts, it puts the government in charge.

The bill, as written, sets up a government-run investment board that makes decisions about where the money is invested. These are not private accounts, nor is there a private board making these decisions. The board is controlled by six railroad insiders, with only one representative looking out for the American taxpayer.

In short, this bill allows the government to use tax dollars to play in the market. This is wrong. The Federal Government ought not be involved in the stock market.

Railroad retirement benefits are substantially higher than Social Security benefits. For instance, on average, it gives career railroad retirement retirees more than double the amount of money per month than all other seniors collecting Social Security.

It is wrong for the American taxpayer and the Social Security Trust Fund to subsidize these higher benefits. It is not fair to treat one group of retirees better than anyone else. To add insult to injury, this bill allows felons sitting in jail to receive railroad benefits. Why should they? Felons were eliminated from the Social Security program in welfare reform several years ago. What is next, telling all of the people with the letter ''J'' in their last name they can retire at 63.5?

Lastly, the measure also violates three of President Bush's five sacred Social Security reform proposals. One, the bill demands using Social Security funds to subsidize other benefits. Two, the Federal Government, disguised as the investment trust, would invest in the private sector. Three, the bill would prohibit personal retirement accounts for railroad employees or retirees.

Every one of the 407 Members of Congress who voted for the Medicare-Social Security lockbox ought to vote against this bill because this bill will raid Social Security and Medicare. Just last week the Office of Management and Budget and the Congressional Budget Office both scored this bill at a cost of $15 billion in its first year; but all of a sudden today it now costs the taxpayer nothing.

How can that be? How can we cash in $15 billion of U.S. Treasury bonds, and say that it does not have an effect on the Medicare and Social Security surplus. I just do not understand. Are we cooking the books?

Call your Senator if you are listening, (202) 225–3121, to stop this fraud in America.

Mr. Speaker, I urge my colleagues to vote against raiding the Social Security-Medicare Trust Funds, and to vote against this bill.

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

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

Mr. Speaker, notwithstanding the relatively hostile remarks and misguided comments of our very otherwise thoughtful colleague from Texas, I today brought with me my 83-year-old railroad watch, 15 size Illinois, in memory of the railroad workers who have waited nearly that long for justice in their retirement program.

This legislation will bring truly significant benefits to the more than one-quarter million men and women who work on America's railroads, and to the 700,000 retirees and survivors of retired railroad workers.

The bill allows for a significant reduction in payroll taxes paid by the U.S. railroads. This is one of those special occasions in the legislative arena when all parties benefit. In this case, railroads, railroad labor, retired railroad workers, and their survivors. All of them come out ahead.

This legislation, as our chairman so well expressed, is the result of an historic agreement reached by railroad management and labor over more than 2 years of intense, difficult negotiations. The benefit improvements, as well as tax cuts, are made possible by changing current law that limits the investment of Railroad Retirement Trust Fund assets to government securities.

The proposed changes governing the Railroad Retirement Trust Fund will not affect the solvency of the railroad retirement system. The tier 1 program which provides Social Security benefits, will continue to be invested only in government securities. Only tier 2 funds, the original railroad retirement program, will be eligible for investment in assets other than government securities.

The projected increases in Trust Fund income from these changes are based on fairly conservative forecasts of the rates of returns that could be earned by a diversified portfolio. That would be about 2 percentage points above the return on government securities.

But more importantly, if the investments fail to perform as well as expected, worker's pensions are protected because the legislation requires, as agreed to in the negotiations between

management and labor, requires the railroads to absorb any future tax increases that might be necessary to keep the system solvent. Ultimately, the Federal Government continues to be responsible for the security of the railroad retirement system.

This is the first really significant benefit in 25 years, although as I said, it seems more like 83. Those benefits are: The age at which employees can retire with full benefits is reduced from 62 to 60 with 30 years of service; the number of years required for vesting is reduced from 10 to 5 years; the benefits of widows and widowers are expanded; and the limits on tier 2 annuities are repealed.

The bill calls for automatic future improvements if the retirement plan becomes overfunded. It reduces the payroll taxes paid by railroads. That means that for tier 2 benefits, the railroad's taxes decline from 16.1 percent to 13.1 percent.

By the third year after passage of this bill, after enactment of this legislation, the railroads stand to gain nearly $400 million annually from lower payroll taxes, and that will allow them to invest that money into needed rail and track and rolling stock improvements, and it allows them also to improve the wages and working conditions of railroad workers.

Mr. Speaker, we passed this bill last year, with former Chairman SHUSTER and me working together on a bipartisan basis, and I want to reflect again on the splendid working relationship we have had with the gentleman from Alaska (Mr. YOUNG) on bringing this legislation through to this point.

We passed this bill last year 391 to 25. We ought to do the same this year.

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

□ 1900

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Railroads.

Mr. QUINN. Mr. Speaker, I appreciate the gentleman from Alaska yielding time. I also want to begin by thanking the gentleman from Alaska (Mr. YOUNG); the gentleman from Minnesota (Mr. OBERSTAR); and the gentleman from Tennessee (Mr. CLEMENT), my partner on the Subcommittee on Railroads, for the work that has been done, 2 long years now. I also want to thank the gentleman from Texas (Mr. SAM JOHNSON) for his observations.

We bring this bill forward, this afternoon, Mr. Speaker, in a real spirit of bipartisanship. A couple of our speakers have already mentioned that this is 2 years in the works. We have back and forth talked about the interests, particularly since the new administration has come into town, about not confusing this issue with Social Security. My esteemed colleague, the gentleman from Texas, suggests that we pick out the letter J in somebody's last name for Social Security. I would like to suggest that we use the letter J in somebody's first name, in my father's name who was a railroad worker for 35 years and in my grandfather's name when he came from Ireland and began to work on the railroad when he first came to America.

I do not have a personal ax to grind in this discussion this afternoon, Mr. Speaker; but I can tell the gentleman from Texas, I can tell anybody else who wants to listen, that I know a little bit about railroaders and their families. We have not tried to structure this bill this afternoon to give anybody an unfair advantage. We have not structured it to give anybody an opportunity to take advantage of the Social Security fund. We are not talking, Mr. Speaker, about tier 1. We are talking only about tier 2 money. This is the workers' own money. This is their money.

We have described it to our friends as we have talked on the subcommittee and we have had 380 to 400 cosponsors almost. It is like this commonsense approach, that if you have money in the bank and you decided to take it from the bank and put it in a mutual fund, you would not be spending that money on a car, you would not be depositing the money at the front doorstep of the bank, and you would not be raiding anybody else's money, such as the Social Security system.

What we have tried to do in this bipartisan effort these last 2 years is to strike a balance. We would like to say that we can get rail labor and rail management together with retired workers on the railroads and their widows and widowers to say that we will let you do what you think is best with that portion of the money that does not affect Social Security. The provision reflects a commonsense approach that trading in a bank account for a retirement savings account is not the same as taking that money in the bank account and spending it on a car. It is just not the same.

I want to thank the Members that have worked with us these past 2 years, particularly in the last 3 or 4 months, and most particularly the last 24 hours, to get us through a discussion with the administration, with those people who disagree with some of the things that we have talked about, but disagree respectfully.

Finally, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Tennessee (Mr. CLEMENT) both for their efforts these long 2 years, particularly the last 4 or 5 months.

I urge my colleagues to vote ''yes'' when they have an opportunity this afternoon.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the comments the gentleman made, his father and previous people in his family. I love the railroaders. They are good guys. We ought to take care of them, but I do not think they ought to get extra dollars. The railroad trust fund gets roughly a $300 million subsidy from general revenues when income taxes on tier 2 private pension equivalent, which the gentleman is talking about, are returned to the trust fund rather than general revenue. No other Americans have the taxes on their pensions returned to their pension funds.

The railroad retirement needed a $3.5 billion subsidy in 2000 from Social Security to stay afloat. I just find it hard to believe that you can say that you are looking out for them, and I hope you will, but to drop the age limit down to 60 when Social Security is up to 65 to 67, going to 67, it is hard to rationalize that.

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

Mr. SMITH of Michigan. Mr. Speaker, there are a couple of concerns that I have about this legislation:

One, it does mean absolutely that we are going to raid the Social Security and Medicare Trust Fund lockbox next year. So that is a real concern. Regardless of the kind of scoring, it is going to take the $15 billion coming from someplace. And so that is real money and that comes out of the surplus because it is dollars that are going to be given to this fund.

My second concern is that eventually, sometime, someplace, somewhere down the road we take the American taxpayer off the hook and say, Look, you're not going to be responsible for this private pension plan anymore.

It dates back to 1934 when we started Social Security. At that time railroaders were put under the Social Security Act. Railroaders had already started a pretty good pension forum, and so they came to Congress with significant political influence, as they have today. They came to Congress and said, Look, we want you to allow us to have the equivalent of a Social Security deduction on our payroll, but we want to go into our own private account. So by 1937, the Congress changed the law and allowed them to have this sort of quasi-governmental retirement system.

The other problem that I think is significant, by not taking the American taxpayer off the hook to bail out this system again, we are looking at a situation that by 2028, the revenues coming into the trust fund are going to be way below what is needed to meet the requirements of benefits. The simple bottom line fact is this bill increases benefits, it increases benefits to widowers, and says that you only have to be 60 years old now to receive full benefits if you put the required number of years in service.

So we increase the benefits, where in Social Security instead of 60 years old, you have got to go till 67 years old eventually down the road. That is the bill that we passed. So we are reducing the revenues contributed by railroad management, and we are increasing the benefits to retirees; and we are taking $15 billion out of our surplus money. That means we have got to go into the lockbox, and we are simply never taking the American taxpayer off the hook.

So when these taxes are required to go up to 40 and 50 percent in the year 2028, what do you think is going to happen in terms of the railroaders coming back to Congress to say, Look, having that kind of a payroll tax is impossible?

I would like to ask somebody sometime, why do we not consider taking the American taxpayer off the hook? Let me just give Members the statistics on what the gentleman from Texas was saying in terms of the Federal contribution. The railroad retirement system has spent more than it has collected in payroll taxes every year since 1957, an average of $4 billion a year they spend in benefits more than they take in in their payroll contribution towards that benefit plan. The cumulative shortfall now exceeds $90 billion. But because of taxpayer subsidies for this railroad fund, we end up with an accounting that in the trust fund is $20 billion, $15 billion of which we are going to take and say it is going to help solve the problems of the railroad retirement system.

Everybody wants fairness for every pension plan. The question is, how often, how much should the American taxpayer be asked to fund this system? And so with interest it is the equivalent of $90 billion now and the $15 billion is going out of the lockbox of Social Security and Medicare.

I think the challenge for us is certainly to assist the railroad retirees but not in the way that it is going to jeopardize the benefits of future Social Security recipients.

Mr. OBERSTAR. Mr. Speaker, I yield 2½ minutes to the gentleman from Tennessee (Mr. CLEMENT), the ranking member of the Subcommittee on Railroads.

Mr. CLEMENT. Mr. Speaker, I thank the gentleman from Minnesota for yielding me this time. I always refer to the gentleman from Minnesota (Mr. OBERSTAR), our leader on the Democratic side on the Committee on Transportation and Infrastructure, as our walking encyclopedia and historian, because I do not think there is anyone who knows more about the facts and the information than he does when it comes to some of these tough, controversial decisions.

I want to also say to the gentleman from Alaska (Mr. YOUNG), the gentleman is our new chairman of the Committee on Transportation and Infrastructure and is doing an outstanding job. He had many others prior to him. He has gotten off to a very, very good start, not only representing the great State of Alaska but our entire country. And to the gentleman from New York (Mr. QUINN), who is the chairman of the Subcommittee on Railroads, and I am the ranking Democrat, we are working together as partners. That is somewhat unusual in the U.S. House of Representatives for a Democrat and Republican to work so closely together for the common good of the people of this country. We have worked together and the Subcommittee on Railroads has been very active. This is a prime example of something that we worked on very hard, and we made up our mind very early that other Congresses had tried but not been able to move this legislation, and we want to move it.

We know that a quarter of a million men and women work on America's railroads that will be affected by this legislation. There are 700,000 retirees and survivors of retired railroad workers that will be affected by this legislation. H.R. 1140, the Railroad Retirement Improvement Act of 2001, what we are talking about tonight, is important legislation. I am pleased to be one of the original cosponsors. We have almost every Member of Congress that has signed on as a cosponsor.

Every week in my office, railroad workers and retirees call me about the status of this bill. In my district, the Fifth District of Tennessee, there are 364 active railroad workers. My district includes 1,226 beneficiaries of the railroad retirement system. This number includes retired employees, their spouses and survivors.

This legislation is important. Let us pass it now and send it to the U.S. Senate where hopefully they will take action.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time. I thank him for his courage and service to our country, and frankly his courage tonight. This is not a pleasant thing that the gentleman is having to do. He is having to basically oppose his friends. He is having to ask for time in opposition. He is doing it because I believe when he got elected to Congress, he wanted us to be honest with each other. I believe when he got elected to Congress, he wanted us to tell the truth.

The truth is quite simple. Rail management and unions came to an agreement. It is a wonderful agreement. It is also bipartisan, Republicans and Democrats. It is a great plan: increase the benefits, reduce contributions to the fund, and have the taxpayers pay for it. What a system. Why would management oppose that?

□ 1915

The taxpayers pay. Why would the beneficiaries oppose? They will get increased benefits, and they will contribute less. It is a wonderful plan, so why are we not all for it? There are over 300 for it, and why would they not be for it? They are going to have everybody call them up, all their railroad workers, and we all have them, and they are saying increase my benefits, take care of my needs.

So that is logical. Let us take care of their needs. It is just dishonest. It is blatantly dishonest. It is asking the taxpayers to pay for something that is, in fact, a private benefit.

We are going to reduce the contributions to the fund, we are going to increase the benefits from the fund, and we are going to ask the taxpayers to pay for it, and we all should just fall in line, fall in step. There is a problem with that. The problem is, we have a responsibility to run the government. We have a moral obligation to run this government.

We reduced taxes in this government. I did. I was happy to reduce taxes, because it seemed very clear to me why we should do it: if we leave the money on the table, it is going to be spent, and this is one of the great examples.

We beat our chests and say how we are protecting the Social Security trust fund, but we are not, because right now we are going to raid it. And we say we are going to increase the age of retirement for beneficiaries from 65 to 67, but we are allowing railroad workers to retire at age 60 using Social Security trust fund money.

Give me a break. I do not get it. I do not understand why we do it.

I just thank the gentleman from Texas (Mr. SAM JOHNSON) for exhibiting the same kind of courage he exhibited when he was in Vietnam, to say this is wrong, we have got to stop it, and we should not do it. He was a hero for me for many years. I read his book, and I am just proud to be fighting the same cause.

Mr. OBERSTAR. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in sharing a few of these scarce moments with me.

I join, first of all, in expressing my appreciation to the leadership of our committee that has focused on the health and future of America's railroads. The gentleman from Alaska (Chairman YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Tennessee (Mr. CLEMENT), the gentleman from New York (Mr. QUINN), I think are doing an outstanding job; and I am looking forward to working in the future with them.

One of the important parts of their job is to modernize this pension program. It is not Social Security. If they were part of Social Security and had been for years, this would be a much different situation. This is independently funded. These people are paying now 36.3 percent of total payroll into this. It is a significant tax on industry and these individuals.

The proposal that has been worked out retains the individual contribution, and it is still is going to be 33 percent total investment. They are not pulling rabbits out of the hat. They are modernizing the system with a tier 2 benefits like you would any other modern pension program and diversifying the investment, moving beyond low-yield bonds.

I think we are going to be able to hit the target and exceed the target. This is certainly more conservative than the assumptions that some people have used to justify voting for the Bush tax program, but that is a different issue.

We have, I do think, an obligation to be honest; and I think we are doing a good job in terms of putting forward alternative sources of revenue, modernizing the rate of return, allowing industry to reinvest in badly needed infrastructure, being fair to almost 1 million participants, and bring this pension plan into the modern era.

But, please, do not confuse this with Social Security. It took us up until a few minutes ago, and I do not know what the chair and ranking member did to convince OMB to understand that this is a separate program. They have done it. I am glad you could do it with OMB. I hope you will be as successful with some of the other programs.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I thank the gentleman for yielding to speak on this important act for the 7500 retirees in my district.

I rise in support of this act. Why? Because these reforms in this act allow the railroad workers to move to a pension system that, frankly, mirrors most in the industrial world, manufacturing, teachers, firemen. These reforms allow railroad workers to have some level of control over their money and their pensions, being able to direct them into safe investments and earn a greater return so they can pay them back with better benefits.

Yes, government will continue to hold the majority of these dollars in the tier 1, the archaic system, but at least we inch forward to a modern system. These reforms allow for greater benefits for widows, who now receive 50 percent of their deceased spouse's benefit. I have heard from many widows in my district who have a great deal of difficulty making ends meet. This act will allow these widows a little bit more money and a lot of peace of mind.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out that there are not a lot of other industries that have a retirement program such as this. The steel industry does not, and teachers and other people do not either. They pay into their own programs, but not into Social Security, for the most part. Social Security does not finance them.

Let me make a point here that Social Security, according to the reform proposal that was handed out that goes with this bill and that has been occurring for a long time, tier 1 tax revenues are benefited by the Social Security benefit account. The Social Security benefit account also makes periodic transfers to tier 2, which is supported also by Social Security. So to say Social Security is not involved is a misnomer.

The fact of the matter is, the gentleman from Connecticut (Mr. SHAYS) pointed out earlier that I have a military background, and I have to tell you, I am scared to death that we are neglecting our military. If we pass this thing, which is a $15 billion hit almost immediately, there is not going to be any money left for our military to survive. To me, that is what the Congress ought to be talking about, is protecting our Nation.

I would like to add at this point that the Citizens for Sound Economy are urging a ''no'' vote on this bill, and they say, ''Perhaps the most troubling part of the bill is it pretends to pay for itself. The railroad retirement trust fund currently holds $15.3 billion in government bonds. H.R. 1140,'' that is the bill number, ''would cash them in and set up a new railroad retirement investment trust to invest the money in the stock market.''

They are going to score this as a key vote. I thought Members should know that.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, they are having a real problem with railroad retirement, but almost every corporation and company that is in the United States, as people live longer, as our medical technology allows them to live longer, we end up having problems, whether it is Social Security or other pension plans. To say that the Federal Government should bail out this private pension plan I think is probably an unfair imposition on the rest of our taxpayers and on the Social Security system.

Now, Social Security right now has three workers, we are down to three workers, for every one retiree. Thirty years ago we had 30 workers financing every one retiree. Today there are three workers financing Social Security. Guess what it is in the railroad system? There is one worker trying to fund three railroad retirees, one worker in railroad trying to fund three retirees.

Mr. Speaker, that is a huge burden, but, still, they have to run their own pension system. They cannot keep coming back to government. Again, $4 billion every year that they pay out in benefits more than they withhold in their taxes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

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

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

Mr. Speaker, I rise in strong support of H.R. 1140, the Railroad Retirement Survivors Improvement Act of 2001. I commend the gentleman from Alaska (Mr. YOUNG) for proposing this important measure.

This bill will bring much needed improvements to the 65-year-old railroad retirement program on which our Nation's retired railroad employees and families rely. The modernization of this program includes steps toward the increased privatization of the program's tier 2 pension plan, which will be achieved through the establishment of a nonprofit Railroad Retirement Investment Trust which will oversee and invest the assets of the program's trust fund. The trust will be managed by a panel of trustees, who have been chosen by rail management and rail labor and that will give greater control of the program to the men and women who benefit from it.

H.R. 1140 also contains a provision which will permit retired railroad employees to work in non-rail jobs with no penalties to their benefits. In addition, the bill also allows widows and widowers of retired rail workers to collect the full amount of their deceased spouses' pension.

It is clear that this Roosevelt-era program is due for an appropriate restructuring that will reflect the current needs of our Nation's rail workers and their families. Accordingly, I urge my colleagues to fully support H.R. 1140.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to my good friend and new colleague, the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I rise in strong support of H.R. 1140, the Railroad Retirement and Survivors Improvement Act. This landmark legislation will reform an antiquated retirement system, improve benefits for railroad retirees, increase benefits for approximately 50,000 railroad retiree widows, and reduce taxes on railroad employees.

Opponents of H.R. 1140 say the bill will have a first year cost of $15 billion and will reduce funds available for other important programs. The truth

is, truth in budgeting, and this bill should never have been scored the way it was. We restore truth in budgeting through this bill.

H.R. 1140 has the support of both labor and industry management and deserves the overwhelming support of this House.

This legislation is good for railroad families, it is good for America, and I urge the strong support for this legislation.

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

Mr. Speaker, I listened with great interest to the gentleman from Connecticut who said, ''I don't get it.'' Well, the reason he does not get it is that he does not understand it.

The fact is that only tier 2 benefits are affected by this legislation. You cannot get early retirement under Social Security as a railroad worker. You have got to wait until your time under the Social Security law. You get your retirement early under the tier 2 benefits for railroad workers under that ancient law that predates Social Security. We are just trying to update it.

This is not a raid on the taxpayers, for heavens sakes. We are reducing the tax that the railroad companies pay into this system and the workers pay into their tier 2 benefits.

So, we are trying to make it a little bit better. But it is not a raid on Social Security. They waited their time to get those benefits.

Just read the law. When all else fails and you do not understand it, read the bill. And the bill is very clear, we are only dealing with railroad workers' benefits.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO), a member of the committee.

Mrs. CAPITO. Mr. Speaker, I thank the gentleman from Alaska (Chairman YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. Speaker, I rise quickly to express my support for the passage of H.R. 1140, the Railroad Retirement Survivors Improvement Act. As the title suggests, this bill aims to provide equitable and fitting compensation for those who have served and those who are currently serving the railroad industry.

The move to modernize the railroad retirement trust fund is revolutionary, yet vital. With this bill, the railroad retirement trust fund will receive increased revenues for its beneficiaries through investment in a diversified portfolio.

In my home State of West Virginia, almost 12,000 railroad employees, retirees, spouses, and widows have benefitted from this plan. In my district alone, 3,000 railroad beneficiaries would benefit from this. Many of these people have called my office over the past few months asking me to support this bipartisan effort. Widows of former rail workers have told me stories about the minimum benefits they receive, where they can barely pay their bills. Such stories should encourage us to act and act quickly.

Over the past century, the hard work, long hours, and true dedication of many men and women have built an effective network of rail tracks around this country.

Mr. Speaker, I urge this body to pass this legislation.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to read from a letter from the U.S. Railroad Retirement Board, from a person who is a labor member there.

□ 1930

They ask, how do the average monthly railroad retirement and Social Security benefits paid to retired employees and their spouses compare?

The average age annuity being paid by the Railroad Retirement Board at the end of 2000 to career railroad employees was $1,760 a month, and for all employees, the average was $1,300. The average age retirement benefit being paid by Social Security was about $800 a month, and spouse benefits averaged about $530.

So the Railroad Retirement Act does not need fixing, it needs support monetarily, and guess where they are going to get it? They are going to get it from the Social Security Trust Fund.

Mr. Speaker, I would like to just reiterate that the President's proposals under this bill are violated. The bill demands using Social Security funds to subsidize other benefits. The Federal Government, disguised as the investment trust, would invest in the private sector, and also the bill would prohibit personal retirement accounts for railroad employees. Every one of us should vote against this bill.

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

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

I want to compliment everybody who has spoken tonight. I would just suggest again that this is tier 2; it is their money, they want to reinvest it. Yes, it is in government bonds, but it came from the workers. I thought this body was trying to set up a system where we did not take money from the workers to spend on other things. This is our retirement system. This is the railroad retirement system. It only affects tier 2.

For those people who are not on the floor tonight, I urge people watching the show to vote for this legislation. Keep in mind, this had 371 cosponsors. I expect 380 votes on this. It is the right thing to do for our railroads and our railroad workers.

Mr. WELLER. Mr. Speaker, I rise in strong support of H.R. 1140, The Railroad Retirement and Survivors' Improvement Act of 2001.

The Railroad Retirement and Survivors' Improvement Act of 2001 is historic legislation that will improve the lives of railroad workers and their spouses. I am proud to be a cosponsor with 367 of my colleagues of this important bill. H.R. 1140 guarantees a better standard of retirement for the nearly 3,500 retirees in the 11th Congressional District of Illinois which I represent and for all future retirees and their families.

Under H.R. 1140, the quality of life for widows and widowers is significantly improved. Under current law, spouses are limited to one-half of the deceased employee's Tier 2 benefits. However, under this legislation, the bill increases Tier 2 benefits for widows and widowers to 100 percent of the deceased employee's benefits on the date of death. Thus, widowers and widows will continue to receive the same benefits as their spouse received prior to death. Widows should not have to face a loss of income in addition to the death of a spouse. This bill ensures that is no longer a reality—widows will receive full benefits under this legislation.

Additionally, H.R. 1140 reduces the years of covered service to be vested in the railroad retirement system from the present 10 years to 5 years. Ten years is too long to wait to be vested in the railroad retirement system, and this legislation corrects this problem. Further, the retirement age is reduced from 62 to 60. By reducing this age, workers are given the opportunity to retire earlier without a corresponding loss of benefits.

H.R. 1140 also fixes the cap on the ''maximum benefit.'' Present law limits the total amount of monthly railroad retirement benefits payable to an employee and an employee's spouse at the time the employee's annuity payout begins. The Railroad Retirement and Survivors' Improvement Act of 2000 removes this cap so that there is not a maximum benefit limit.

Further, the legislation ensures the solvency of the Railroad Retirement Investment Trust. Through private investing, the trust fund will grow faster while decreasing taxes assessed on railroads. Seven private individuals will oversee the Railroad Retirement Investment Trust, thus ensuring any possible implication of a government role in investing is eliminated. Labor and rail management will each select three trustees to reflect their interests, and these six trustees will select the seventh trustee. Approximately one-quarter of all employees in the rail industry work for commuter and passenger rail, a growing industry. It is my sincere hope that the Trust include a representative from all three categories of rail service: commuter, passenger and freight from among those appointees designated for rail management.

Mr. Speaker, this is good, important legislation that will help 670,000 retirees and dependents and 245,000 active rail employees. I ask for all my colleagues to cast their vote in favor of H.R. 1140.

Mr. RAHALL. Mr. Speaker, in the Third District of West Virginia, we have 8,300 citizens who will benefit from the Railroad Retirement and Survivors' Improvement Act of 2001. This

ranks southern West Virginia seventh in the nation.

My constituents have been calling and writing to me on an ongoing basis, asking me when this bill will come to the House floor for a vote. Today I hope to be able to tell them it will pass in the House and we can send it on to the other body, where we hope it will get speedy consideration.

I want to thank the Chairman and Ranking Member of the Transportation Committee, Mr. YOUNG and Mr. OBERSTAR, for working to bring this bill to the floor with overwhelming bi-partisan support.

I also want to thank the Chairman and Ranking Member of the Railroad Subcommittee, Mr. QUINN and Mr. CLEMENT, for bringing this bill through the Subcommittee process quickly. And I want to thank the Ways and Means Committee for their cooperation.

My constituents have been anxious to see this bill get enacted into law because it will double benefits for widows of railroad retirees, reduce the retirement age from 62 to 60 years of age with 30 years of service, and allow a person to be vested in the system after five years of service, rather than 10 years, as currently required.

This bill includes the exact provisions of H.R. 4844, which I helped to write last year, and which passed the House by an overwhelming vote.

My constituents were disappointed and frustrated last year when the bill was not enacted into law, especially since it is a product of two years of negotiation between railroad workers and management of the railroad industry. With 368 co-sponsors in the House, this bill has overwhelming bi-partisan support, once again.

With 71 bi-partisan cosposnors in the Senate, I look forward to its passage on the Senate floor, and I ask President Bush to sign the bill into law expeditiously.

Once this bill becomes law, it will enable railroad retirees and widows to enjoy a better quality of life, by receiving the increased benefits they worked for and deserve. They spent their working lives paying into their retirement and they deserve to reap good benefits.

Mr. CRANE. Mr. Speaker, I rise, today, to discuss a specific issue regarding H.R. 1140, the Railroad Retirement and Survivors' Improvement Act of 2001, specifically, the representation of commuter rail on the Board of Trustees for the Railroad Retirement Investment Trust that is created by the bill. My district is served by Metra, the nation's second largest commuter rail system in the country. Last year, Metra provided nearly 82 million passenger trips—setting a 32-year ridership record. Over the years, Metra has received numerous awards and accolades for its outstanding service, and none of those would have been possible were it not for the hard work and dedication of its more than 2,500 employees.

These 2,500 employees of Metra join their counterparts in other commuter and passenger rail systems around the country, and together they account for approximately one-quarter of all employees in the rail industry. This percentage of commuter and passenger rail employees is only expected to increase in the near future as customer demand for more commuter rail service grows. I have long-supported Metra and commuter rail, and I believe their unique interests deserve a voice on the Board of Trustees created in this legislation. Consequently, it is my hope that the Board of Trustees will include a representative from the ranks of commuter rail along with representatives from the other categories of rail service—passenger and freight. Such representation would ensure that commuter rail's interests are heard along with the interests of the other rail industry categories. This representation would be a substantial acknowledgement of the growing importance of commuter rail.

Mr. ENGLISH. Mr. Speaker, this legislation represents the culmination of years of discussions between rail management and a sizable majority of rail labor.

I am pleased to support the Railroad Retirement and Survivors' Improvement Act of 2001. This legislation is designed to improve significantly the financing and benefits of railroad retirement benefits.

H.R. 1140 improves the performance of the Railroad Retirement Account (RRA) by enhancing employees benefits, reducing employer and employee tax rates, and promoting financial growth of the railroad retirement trust fund. More than 3,400 of my constituents in northwestern Pennsylvania will benefit from reforming the current railroad retirement system. In fact, many of those people have called my offices urging Congress to pass this legislation that represents benefit improvements for them and their families including:

an expansion of widow(er)s' benefit by guaranteeing no less than the amount of the annuity that the retiree received;

liberalized early retirement which allows retirement at age 60 with 30 years of service without a benefit reduction; and

expanded vesting which means bringing this requirement consistent with private industry practices. This entails the reductions of the ten-year requirement to vest for Tier I and Tier II annuities to five years.

This is a strong proposal and I urge my colleagues to support it.

Thank you Mr. Speaker. I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I urge my colleagues to vote in support of H.R. 1140, the Railroad Retirement and Survivors Improvement Act of 2001.

This legislation serves to modernize the current railroad retirement system and will benefit hundreds of thousands of retirees, and surviving widows and dependents. I believe that passage of this bill would bring us significantly closer to achieving retirement security for rail workers and retirees. Surviving spouses and dependents suffer substantial reductions in benefits upon the death of a railroad worker or retiree. This bill will provide a guaranteed minimum benefit for survivors. While benefiting survivors, H.R. 1140 will also benefit railroads by reducing payroll taxes.

This is a good piece of legislation—it's good for workers, it's good for survivors, and it's good for the railroads. Following two years of negotiations between railroad management and rail labor we have a bill whose time has come.

H.R. 1140 is essentially the same legislation that we overwhelmingly passed last year by a vote of 391 to 25. Let us be just as supportive this time around.

I strongly urge my colleagues pass H.R. 1140.

Mr. UDALL of New Mexico. Mr. Speaker, I strongly support H.R. 1140, the Railroad Retirement and Survivors' Improvements Act of 2001. This critical legislation makes important improvements in the benefit structure for retired railroad workers, especially for widows and widowers.

After many railroad bankruptcies during the Depression, the government assumed responsibility for workers' pensions, financed with a special payroll tax paid by both rail concerns and their employees. The system is now $40 billion short of what would be required to pay benefits to all the workers who have yet to retire and their survivors.

Congress has a responsibility to provide railroad retirees and their survivors with increased benefits, as well as making necessary changes to update and modernize the railroad employee benefit system.

To that end, I urge my colleagues to join me in support of H.R. 1140. More than 670,000 retirees and dependents and 245,000 active rail employees will benefit from the improvements made by the Railroad Retirement and Survivors' Improvement Act of 2001. Please support our nation's railroad workers, rail retirees and spouses by supporting this critical reform package. Vote yes on H.R. 1140.

Mr. REYES. Mr. Speaker, I rise today in strong support of the Railroad Retirement and Survivors' Improvement Act of 2001. This bill has almost 370 cosponsors and I urge my colleagues to vote in favor of this bill. This bill amends the Railroad Retirement Act of 1974 and increases benefits to railroad employees and their beneficiaries. In addition, this important legislation provides for full annuities to employees and their spouses at age 60 with 30 years of service. This bill also reduces the vesting requirement for railroad retirement benefits for employees and survivors from ten to five years of service. This legislation is fair and must be enacted into law.

El Paso, Texas has a long history and association with the railroad. In fact, the original Arizona & Southwestern Railroad, built in 1888–1889 by the Copper Queen Consolidated Mining Co., a subsidiary of Phelps Dodge Corporation, was built to transport copper from a smelter in Bisbee, Arizona to a refinery in El Paso, Texas. The railroad and its workers have always played an integral role in the fabric of our city.

The Railroad Retirement and Survivors' Improvement Act of 2001 recognizes the work that our rail workers perform in service of this country and takes into account their extremely physical work. Again, Mr. Speaker, there are almost 370 cosponsors of this legislation representing literally millions of people across the country. I urge my colleagues to vote in favor of this extremely important piece of legislation.

Mr. PETRI. Mr. Speaker, with many railroad retirees amongst my constituents, I am pleased to rise in strong support of this legislation.

Several years ago, as Chairman of the Surface Transportation Subcommittee, I became aware of the need to increase the retirement security of our nation's railroad workers. The members of the Transportation committee

worked hard to bring all the stakeholders together to work out a comprehensive plan to reform the railroad retirement system.

I am quite pleased that this legislation represents the product of that work. By diversifying the investment vehicles for retirement accounts, this legislation improves retirement benefits and reduces taxes on railroad employers. This sensible legislation is supported by both railroad management and most labor unions.

Last year, this House overwhelmingly passed similar legislation, but he Senate failed to act on it. Let's not make our railroad retirees and their families wait any longer for this needed reform. I urge my colleagues in both chambers to support quick passage and enactment of this legislation.

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 1140, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. YOUNG of Alaska. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 384, nays 33, not voting 16, as follows:

[Roll No. 305]

YEAS—384

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
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Coyne
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
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Edwards
Ehlers
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Green (TX)
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Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
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McCollum
McCrery
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McGovern
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McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
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Neal
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Ney
Northup
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Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
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Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
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Spratt
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Taylor (NC)
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Thompson (CA)
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Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
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Young (FL)

NAYS—33

Ballenger
Chabot
Cox
DeLay
DeMint
Flake
Frelinghuysen
Hefley
Herger
Hoekstra
Johnson, Sam
Jones (NC)
Kolbe
Largent
Miller (FL)
Miller, Gary
Myrick
Paul
Pence
Pitts
Rohrabacher
Royce
Schaffer
Sensenbrenner
Shadegg
Shays
Smith (MI)
Stenholm
Sununu
Tancredo
Taylor (MS)
Thomas
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NOT VOTING—16

Cramer
Hastings (FL)
Hutchinson
Hyde
Jones (OH)
Leach
Lipinski
Markey
Moran (VA)
Nadler
Oxley
Peterson (MN)
Spence
Stark
Toomey
Watson (CA)

□ 1956

Mr. THOMAS and Mr. TAYLOR of Mississippi changed their vote from ''yea'' to ''nay.''

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

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. WATSON of California. Mr. Speaker, on rollcall No. 305, had I not been detained at a speaking event, I would have voted "aye" on rollcall No. 305.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1140, the bill just passed.

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

There was no objection.

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.

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

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2000

BONUSES FOR TOP U.S. POSTAL SERVICE EXECUTIVES

The SPEAKER pro tempore (Mr. SHUSTER). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I wanted to take just a few minutes tonight to talk about the raises that the executives in the post office decided to give themselves, which is kind of ironic when small businesses in America, as well as those who need to send out flyers about their businesses and what they are hoping to do to increase their business, are paying the rates.

Let me give an example. I have a Washington Post article that ran last week, and the first part of the article says, ''The U.S. Postal Service is staring at a $2 billion deficit this year, yet the postmaster general has told its top managers that they could see performance bonuses of up to 25 percent of their salaries.''

Now, Mr. Speaker, I think when an agency or a business, whatever it might be, is losing a projected $2 billion this year, yet they are giving bonuses to their top management of 25 percent, with the taxpayers of this country who use the postal system paying the freight for that increase, there is something wrong.

The second part of the paragraph says, ''The postal service has increased postal rates twice this year, but United States Postal Service officials are still projecting a deficit of $1.6 billion to $2.4 billion, blaming higher fuel costs and increasing competition from online services.''

Mr. Speaker, the reason I wanted to come forward is because in the year 2000, the post office ended the year with a $1.9 million loss, yet that same year, the year 2000, they paid out $197 million in bonuses to employees. Again, I came to the floor tonight because I think there is something seriously wrong when the U.S. Postal Service is losing that kind of money yet paying those kind of bonuses.

In this great Nation that we live, America, we are usually rewarded for being successful, not for losing money and then charging the customer the rates they have been charging. Let me read a couple other points to my colleagues.

This is from the Federal Times Postal News, and it says ''The outlook may appear sour for this year for the U.S. Postal Service, which is facing a potential $2 billion deficit, but many postal service executives may be on the brink of a banner year. Postmaster General John Potter told top postal executives if the postal service continues increasing productivity this year, their bonuses could amount to 25 percent of their salaries.''

He says they are increasing productivity, yet they are still losing between $1 billion and $2 billion. That is kind of laughable to me, quite frankly, Mr. Speaker. Let me also mention that in 2000, which I mentioned earlier, they paid out over $208 million while losing money.

Mr. Speaker, I guess the reason I wanted to come to the floor tonight is simply to point out that the American people are looking to those of us in the United States Congress to tell the post office to get their act straight, to start serving the people and making some money, and then maybe those bonuses will be worth it.

I have put in a resolution that would deal with this. It is a nonbinding resolution, quite frankly, but it would give Members of the House a chance to come to the floor and talk about the fact that they are not worthy of this kind of increase in their bonuses, in my opinion.

I will make quick reference to a Washington Times article of this past Friday called ''Going Postal Bonus,'' and it talks about just how absolutely ridiculous it is that the post office is giving themselves this kind of bonus and raise when they are losing money.

So, Mr. Speaker, in closing, I would just like to say to my fellow colleagues in the United States House of Representatives that I hope my colleagues will support my nonbinding resolution so we can come to the floor of the House and speak on behalf of those small businesses and patrons of the United States Postal Service who are paying a whole lot in increases while the executives, who are losing money, up to $2 billion, are giving themselves a bonus.

As my colleague, the gentleman from Ohio (Mr. TRAFICANT), would say, shame on them and shame on us if we do not debate this on the floor of the House.

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

(Mr. FALEOMAVAEGA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO ISABEL BRIGGS MYERS

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

Mr. BOEHLERT. Mr. Speaker, I rise today to talk about an interesting conference that will soon take place in my congressional district. On September 20 and 22, 2001, Hartwick College in Oneonta, New York, is sponsoring a symposium in honor of a truly remarkable woman: Isabel Briggs Myers. Isabel Briggs Myers devoted more than half her lifetime to the observation, study, and measurement of personality and gave us the Myers-Briggs Type Indicator, the most widely used personality instrument in the world.

The story of Isabel Myers and the Type Indicator is unique in the history of psychology and shows how much a single individual can achieve in the face of formidable obstacles. The story begins with Isabel's mother, Katharine Cook Briggs, a thinker, a reader, and a quiet observer who became intrigued with the similarities and differences in human personality. Katharine Cook Briggs became interested in the work of a Swiss psychologist named Carl Jung. She passed that interest on to her daughter, Isabel.

Isabel Briggs, after being home schooled except for a year in public school, entered Swarthmore College at age 17 and graduated first in her class in 1919. At the end of her junior year, she married Clarence Myers. Until the outbreak of World War II, she functioned as a mother and homemaker although she found time to publish two successful mystery novels.

The outbreak of World War II stirred her desire to contribute to the national effort. With the departure of much of the male workforce into the armed services and the emergence of many women new to the industrial workplace to fill their jobs, she saw a place where she could help. She was convinced that an understanding for human personality differences could help a person find a successful and rewarding kind of job and avoid unnecessary stress and conflict. Having long since absorbed her mother's admiration of Jungian typology, she determined to devise a method of making the theory of practical use. Thus was born the idea of the Type Indicator.

With no formal training in psychology, with no academic sponsorship or research grants, Isabel Myers began the painstaking task of developing a set of questions that would tap the attitudes, feelings, perceptions, and behaviors of the different psychological types as she and her mother had come to understand them. A habitual reader, she haunted libraries and taught herself what she needed to know of statistics and test construction. She persuaded countless school principals in eastern Pennsylvania to allow her to test their students, and she spent many a long evening scoring questions and tabulating data.

Isabel Myers Briggs spent decades working to perfect the Myers-Briggs Type Indicator. At the age of 82, she was still at work on a revised manual for the indicator, long after she was profoundly weakened by her final illness. Today, the Myers-Briggs Type Indicator has been translated into over 30 languages and is used by career counselors, colleges and universities, the Department of Defense, and numerous corporations.

On September 22, 2001, Hartwick College will confer, posthumously, an honorary doctorate degree to Isabel Briggs Myers. It is well deserved.

Mr. Speaker, in closing, I would like to bid the symposium attendees and

Isabel's family my best wishes for the success of their event; and I applaud their desire to honor such an able scholar and true visionary: Isabel Briggs Myers.

SUPPORT OF BIPARTISAN PATIENT PROTECTION ACT, H.R. 2563

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

Mr. LANGEVIN. Mr. Speaker, I rise tonight to voice my strong support of the Ganske-Dingell-Norwood-Berry patients' bill of rights. I am a proud cosponsor of this bill which our wise counterparts in the Senate passed more than 1 month ago.

Over 800 organizations endorse the Ganske-Dingell-Norwood-Berry patient bill of rights, and numerous surveys show overwhelming support for the kind of bipartisan commonsense protections this bill provides. We must pass this bill and not delay or deny the American public what so many of us have promised them time and time again since 1998.

More than 160 million Americans receive health services through managed care. Sixty-three percent of the insured population in this country have employment-based insurance. This patients' bill of rights would not only ensure a basic minimal level of health care for these Americans but also ensure that doctors, and not bureaucrats, are making decisions when it comes to patient care.

We must pass the newly revised Ganske-Dingell-Norwood-Berry patients' bill of rights, H.R. 2563. This bill gives HMO patients the right to choose their own doctor, covers all Americans with employer-based insurance, ensures that external reviews are conducted by independent and qualified physicians, and holds a plan accountable when it makes a decision that harms or kills someone. It also provides access to emergency room care, OB-GYNs, pediatricians, specialty care providers, and clinical trials and prescription drugs.

And while it does allow patients to sue in Federal and State courts, the newly revised bill makes it clear that employers will not be sued for wrongs committed by health plans. It limits employer liability by providing an exemption for self-employed plans and permitting employers to appoint a decisionmaker to immunize them from lawsuits.

Mr. Speaker, furthermore, this legislation narrows the scope of defined violations to provide meaningful protections for employers trying to provide the best care they can for employers and employees.

Mr. Speaker, an understandable and equally important concern for many of America's hardworking employers is the increased cost of providing health care for their employees. H.R. 2563 has been crafted to minimize this risk as well. The Congressional Budget Office issued a cost analysis of the McCain-Edwards-Kennedy bill, which is virtually identical to H.R. 2563, and concluded it would increase health insurance premiums by only a de minimis amount.

Moreover, a cost increase may never occur, since many HMOs have changed their policies over the past 3 years to ensure that patients can obtain medically necessary care. I applaud these HMOs and hope that others will follow, especially since some Members of the House seem determined to never let H.R. 2563 be considered on the House floor. I think that would be a travesty, Mr. Speaker. This patients' bill of rights represents a critical step toward improving our health care system by placing control of patient care firmly in the hands of patients and their doctors.

I implore my colleagues on both sides of the aisle to think of their constituents and the promises that we have made to improve health care in America. We must pass meaningful health care reform. We must pass this patients' bill of rights, and we must do it now.

RURAL CLEANSING

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

Mr. DUNCAN. Mr. Speaker, we can never satisfy government's appetite for money or land. If we gave every department or agency up here twice what they are getting now, they would be happy for a short time but then they would be coming back to us crying about a shortfall in funding. But it is this threat to land and to private property that especially concerns me tonight.

The Federal Government today owns over 30 percent of the land in this country, and State and local governments and quasi-governmental agencies own another 20 percent. So that half the land today is in some type of public control.

□ 2015

The alarming thing is the rapid rate at which that government control of land has been increasing in the last 30 or 40 years. Then on top of that, we continue to put more and more restrictions on what people can do with the private property that remains in their hands.

We have to realize at some point, Mr. Speaker, that private property is one of the few things that has set us apart from countries like the former Soviet Union and Cuba and other socialist and communist nations. We need to recognize that private property is a very, very important part of our freedom and our prosperity.

I have talked about these restrictions on what people can do with their land. There are groups all over the country that protest any time anybody wants to dig for coal, drill for any oil, cut any trees, or produce any natural gas. What they are doing is hurting the poor and lower- and middle-income people most of all by destroying jobs and driving up prices on everything.

I want to bring to the attention of my colleagues tonight a column that was in the Wall Street Journal a few days ago called ''Rural Cleansing'' by Kimberley Strassel, who is an assistant editor and columnist for the Wall Street Journal.

She wrote a column, most of which I want to read at this time. She talks about the cut off of water to 1,500 farm families in Oregon and California's Klamath Basin in April because of the sucker fish: ''The environmental groups behind the cut off continue to declare that they were simply concerned for the welfare of a bottom feeder. But last month these environmentalists revealed another motive when they submitted a polished proposal for the government to buy off the farmers and move them off their lands. This is what is really happening in Klamath. Call it rural cleansing. It is repeating itself in environmental battles across the country.

''Indeed, the goal of many environmental groups from the Sierra Club and others is no longer to protect nature. It is to expunge humans from the countryside.

''The strategy of these environmental groups is nearly always the same. To sue or lobby the government into declaring rural areas off limits to people who live and work there. The tools for doing this include the Endangered Species Act and local preservation laws. In some cases, owners lose their property outright. More often, the environmentalists' goal is to have restrictions placed on the land that either render it unusable or persuade owners to leave of their own accord.''

The column continues that there was a court decision in this case. ''Since that decision, the average value of an acre of farm property in Klamath has dropped from $2,500 to about $35. Most owners have no other source of income. So with the region suitably desperate, the enviros dropped their bomb. Last month they submitted a proposal urging the government to buy the farmers off.

''The council has suggested a price of $4,000 an acre which makes it more likely the owners will sell only to the government. While the amount is more than the property's original value, it is nowhere near enough to compensate people for the loss of their livelihoods and their children's future.

''The environmental groups have picked their fight specifically with the farmers but its acts will likely mean the death of an entire community. The farming industry there will lose $250 million this year. But the property tax revenues will also decrease under new property assessments. That will strangle road and municipal projects. Local business are dependent on the farmers and are now suffering financially. Should the farm acreage be cleared of people entirely meaning no tax and no shoppers, the community is likely to disappear.''

''Environmentalists argue,'' this columnist continues, ''that farmers should never have been in the dry Klamath Valley in the first place and that they put undue stress on the land. But the West is a primarily arid region. Its history is one of turning inhospitable areas into thriving communities through prudent and thoughtful relocation of water.''

The columnist goes on, ''But, of course, this is the goal. Environmentalist groups have spoken openly of their desire to concentrate people into the cities turning everything outside city limits into a giant park. Do the people who give money to environmental groups realize the end game is to evict people from their land? I doubt it.''

Ms. Strassel says, ''The American dream has always been to own a bit of property on which to pursue happiness. And we are very slowly doing away with that in this country.''

GENOCIDE AGAINST TAMILS IN SRI LANKA

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

Mr. DAVIS of Illinois. Mr. Speaker, genocide is often described as the planned and systemic annihilation of a racial, political or cultural group. As we look at different situations around the world, we often see instances in which genocidal activities are being carried out. We examine the struggle for self-determination in Kosovo, the ethnic conflicts in Bosnia and Macedonia and every other place where we have gone to safeguard the rights of ethnic minorities.

We failed to do that in Rwanda, and I do not want us to ever sit by and allow this level of atrocity to occur again without our intervention.

Unfortunately, there is another serious ethnic conflict under way of an almost genocidal bent in another part of the world. Let me tell you where it is and why we, the American people, do not know much about it despite the fact that our government is involved. The conflict of which I speak is the ethnic conflict that is taking place in Sri Lanka where the Tamil minority is systemically being destroyed by the Sinhalese-dominated Government and its military.

I have every reason to believe that the Tamil minority in Sri Lanka has been denied their legitimate rights and are being subjected to the most inhumane treatment by the Sinhalese-dominated Government since the nation became independent in 1948.

Since the Tamil people and the Sinhalese people are concentrated predominantly on different parts of the island since ancient times, Sinhalese politicians have virtually ignored the legitimate concerns of the Tamil minority because they are elected almost exclusively by Sinhalese electorates.

The Tamil minority, which yearned to share the benefits of their newly found freedom with the Sinhalese, were dumbfounded when the Sinhalese-dominated Government rejected Tamil demands for the use of their language for regional administration, seek administration to universities based on merit, to secure employment opportunities without discrimination, to prevent their traditional homeland from being settled by Sinhalese citizens under government-sponsored colonization schemes and to develop their districts.

Furthermore, Tamil demands for any measure of regional autonomy for Tamil areas receive rejection by the Sinhalese-Buddhist clergy on the grounds that it would threaten the spiritual and ethnic integrity of the Sinhalese-Buddhist nation.

Every peaceful demonstration staged by Tamils to show their displeasure with the government was broken by force, mostly with the tacit approval of Sinhalese politicians. Hundreds of Tamils have been killed; their property damaged. As a result, almost half a million Tamils have had to take refuge in foreign countries. Another half million have been displaced from their homes within Sri Lanka. Their most treasured library along with some of the rarest books describing their ancient history and culture were deliberately burned by the army also with the tacit approval of a government minister.

Under these circumstances, Tamils felt as if they had no choice but to encourage its youth to organize, and many of their young people have taken military action, fighting back as part of a self-determination and liberation front.

The LTTE, as in every civil war, has carried out some violent acts that targeted government establishments in Sinhalese areas to counter the brutal activities of the Sri Lanka Government and has succeeded in some instances. Now comes the time for the real intervention that is needed. We ought not stand by and allow this ethnic conflict to continue to the demise of a people, specially those who constitute the minority.

Therefore, I hope that our government, this government, will become more diplomatically involved, will try and bring about peaceful resolution of this conflict that is wrecking a nation.

ENERGY POLICIES FOR THE FUTURE

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, tonight a group of us here would like to talk about energy. We have heard a lot of discussion about energy. In fact now that gasoline prices have kind of dropped off, home heating prices have declined and things have sort of settled down, electric shortages in the West have not been happening for a few weeks, people say there is no crisis, it is just a lot of hype, a lot of smoke.

I am not one who believes that, and I agree with President George Bush and Vice President DICK CHENEY. This country needs a comprehensive energy policy. Let us look at the record and see the trends happening.

Recent trends, everybody has concern that the dependency on oil was coming from parts of the world that do not care about us, OPEC nations. We are approaching the 60 percent factor. That is not a healthy thing for our country.

Coal, there has been a very flat use of coal and a resistance to the new clean coal-use technologies. Coal use has been flat in this country, and maybe slightly declining.

Then look at nuclear where the percentage is slowly dropping. There has been a moratorium on new nuclear uses ever since the problem that happened in Pennsylvania many years ago. There have been no new plants built or planned; and the interesting part is in a recent report from the Department of Energy, the problem with nuclear continuing is the resistance of relicensing of existing nuclear plants. If we do not relicense our current plants, we are going to lose a great deal of our electricity.

Then we have hydro. The Department of Energy had the same mark beside hydro: flat, slightly declining, difficult to relicense. That is the view of the Department of Energy.

Then we have renewables, and we would like to see them grow and expand and take up the marketplace. In renewables, we have had very slow growth in solar, wind, geothermal, and more recently fuel cells. I think fuel cells are the one with the huge promise, probably sooner than others. There are those who think solar and wind can solve our problems. Every graph I look at shows them slow, almost no growth.

Then we have the infrastructure issue that we take for granted. We do not worry about how our electricity gets to us, or how our natural gas gets to us; but we have a gas transmission system that is not well connected and not large enough, and does not cover some parts of the country so there are parts of the country that do not have access to natural gas.

Electric transmission. We do not think much about those electric lines going from community to community; but that is how we get our power, and that system is aging, inadequate to supply the needs of today.

The refining capacity in this country has been slowing declining, the number of refiners; and yet our use of petroleum products has been climbing at a fast rate. Is that a healthy situation to be in?

If we really want to have energy that is affordable and dependable, we have to have stable prices. To have stable prices, we have to have ample supplies of all kinds of energy.

A few years ago we were sort of drunk in this country on $9 and $10 oil, and $1.50 natural gas, and that made us very complacent about conservation. It made fuel costs very insignificant. But that has all changed, and it can continue to change.

If we have an energy plan in this country that meets our future economic needs, we need to have one that increases energy efficiency and conservation, one that ensures adequate energy supplies in generation, renew and expands the energy infrastructure. We need to encourage investment in energy technologies, provide energy assistance to low-income households, and ensure appropriate consideration of the impacts of all the regulatory policies.

Mr. Speaker, I think there are a lot of things to do. These are all complicated issues. I am going to conclude my comments and then call on the gentlewoman from New Mexico, but just look at where we are at today.

Today, petroleum is 40 percent of our energy; natural gas is 23 percent; coal is 22 percent; nuclear is 8 percent; and renewables are 7 percent. We look down the road 19 years to the year 2020, and there is really not much change on those who are estimating.

□ 2030

Our gas usage will increase because we are now using a lot of gas for power generation, something we did not do, will go from 23 percent to 28 percent. Petroleum will drop from 40 percent to 39 percent. Coal will drop from 22 to 21 percent. Nuclear will drop from 8 to 5 percent. Renewables will remain at 7 percent. That is the projections of the Department of Energy. In my view, we have some very large issues that need to be dealt with. We have some mountains to climb if we are going to provide affordable energy to the American citizens.

With this I will call on my good friend from New Mexico (Mrs. WILSON).

Mrs. WILSON. I thank the gentleman from Pennsylvania. I also thank him for hosting this 1-hour discussion this afternoon. We are actually on the eve of a very important debate here in the House, the first debate on a comprehensive energy plan for this country that has occurred here for 20 years. I think the leadership in this House, on both sides of the aisle, deserves a lot of credit for the work that has gone on over the last month to bring forward a very balanced and in many ways bipartisan bill that sets up a long-term energy policy for the country. It certainly has behind it the leadership of the President and Vice President CHENEY, and his administration that has put forward some ideas that were then worked on here in the House, in the Committee on Commerce, in the Committee on Science, in the Committee on Ways and Means to bring to the floor of the House tomorrow a comprehensive, long-term energy plan for the country.

This plan does not just rely on increased production; it also emphasizes conservation. But it recognizes that you have to do both. We cannot conserve our way out of the energy problem, but we cannot drill our way out of the energy problem, either. We have to have a long-term, balanced approach to our energy policy. I think the bill that we are bringing to the floor of the House tomorrow accomplishes that, and I think the leadership on both sides should be commended for all of their work in this area.

Most folks do not know that we are more dependent on foreign oil today than we were at the height of the energy crisis in the 1970s. We get 56 percent of our oil from abroad, mostly from the Mideast. The number six supplier of oil to the United States and the fastest growing supplier of oil to the United States is Saddam Hussein. America should not be that dependent on its enemies for its sources of oil. We are going to be even more dependent on them by 2010. Estimates are that two-thirds of our oil will come from abroad.

But it is not only oil that this bill is about. We are going to be increasing our consumption of natural gas; yet natural gas prices have soared over the last year to triple what they were a year before. We have had no nuclear plants licensed in this country for over 10 years. If we do not do something to make sure that nuclear power continues to be a viable option, continues to be part of our energy mix, then it will decline over the next 20 years. Yet nuclear power is the safest, most reliable source of energy that we have and emits no greenhouse gases. If we are going to have a balanced energy policy, nuclear power must be part of that equation.

We have not built any gasoline refineries in over 10 years in this country. We have put on these requirements, regional requirements, in some cases local requirements for what are called boutique fuels, different requirements from one city to another city about what kind of reformulated gas you have to use. It changes by the season, so you might have one formula of gas required in Milwaukee and another one in Chicago, and then it changes on different dates and you have filling stations having to drain their tanks and get the new gas. It creates local shortages.

In this bill we are bringing to the floor tomorrow, to the floor of the House, we will address this problem of boutique fuels that are causing gas-price spikes across the country. We need to expand our refining capacity so that if we have a fire or a pipe break at a refinery, we do not see everybody's gas prices go up in the West, particularly right in the summer when we need the gas most.

I think the bill that we will bring to the floor of the House tomorrow is a balanced and comprehensive bill. A lot of people, Democrats and Republicans here in the House, have worked very hard to make sure that it is so and it is a product we are all going to be able to be proud of when we leave here tomorrow night. I thank the gentleman for asking me to join him. I think this bill is very important for consumers in this country, to be confident that when you flick the switch, the lights go on and that when you go to the pump, you pay a reasonable price for the gas that you get, and the appliances that you buy are as efficient as they can be, so that people do not have to worry about these things because we prevent the next energy crunch from ever occurring.

Mr. PETERSON of Pennsylvania. I thank the gentlewoman from New Mexico for her thoughtful comments.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. EHLERS), a physicist of the body here, a man who is used to very complicated issues. I am interested to hear his views tonight of where he thinks America is in energy.

Mr. EHLERS. I thank the gentleman from Pennsylvania. As he noted, I am a physicist, but I am going to try to keep this discussion very simple and not get into any complicated equations, although it would be fun to do that; but as you know, a physicist cannot think without a chalk board, and so I will not be able to do that tonight.

Energy, energy, energy, energy. That is all we are hearing these days, especially on the floor of the House. Tomorrow we are going to hear even more, energy, energy, energy, because for the first time in 20 years we will be talking about a new national energy policy.

What is the big fuss? Why are we so concerned about this? What is energy? What is it all about? Let me put it in

the simplest terms I can. Energy represents the ability to do work and, to put it in even more simple terms, you get up in the morning, you say, oh, I feel full of energy today. That means you have got lots of vim and vigor, you are eager to work. You can do things. Or if you get up and say, oh, I'm really dragging today, it means you do not have much energy.

But where do we get our energy, our personal energy? From the food we eat. We may enjoy eating for other reasons, but the basic biological reason for eating is because we need the energy from the food that we eat.

For millennia, the people on this planet did not have any energy other than the energy from the food they ate. And so the work that they did, they had to do themselves, and their work was converting food energy into useful work. Agriculture developed only after people discovered how to use other than human energy, namely, animal energy. As soon as they could use animals to pump water, to pull the plows, to thresh the grain, then we began agriculture, because we had learned how to capture the energy of something other than ourselves.

Today throughout this world, over two-thirds of this world still thinks of the most basic form of energy as the most important, the energy in food, because they do not have enough to eat. And without enough to eat, they do not have enough energy to work. Without the energy to work, they have trouble producing enough food to feed themselves. But that brings us into another issue which we are not discussing here.

Throughout the ages, we have tried to do work, but to get other things to do the work. First human energy, then animal energy; then when we entered the industrial era, we found ways to use fossil fuels as energy. Extracting the energy which is really stored solar energy within the earth, we found that we could use that energy, whether it is coal, oil, natural gas. We could use that to produce energy which allowed us to do work.

Physicists became involved in this about that time. In fact, you would not have had the Industrial Revolution without the work of physicists who developed the three laws of thermodynamics and allowed them to build very efficient engines, steam engines in particular, and that led later on to other engines. That meant we no longer depended on human energy; we no longer depended on animal energy. We then began to depend on energy recovered from artificial sources, fossil fuels in this case. And then later on we developed nuclear energy with Einstein's discovery that E=MC2, in other words, you could convert matter into energy which is what a nuclear reactor does. All of this represents the ability to do work, and that is what it is all about.

But how does that affect us today? It affects us in so many ways we do not even begin to realize it. We walk in the house, we flick the light switch, the light goes on, where did that energy come from? Not from the switch, not from the wires, although that transmitted it there. It came from a power plant, either nuclear, gas-fired or coal-fired that converted energy from that form into a very usable form of electricity.

Suppose we want to go to the store and get some groceries. It takes very little energy for those groceries to get from the store to our home, because they are fairly light, a few pounds, 10 pounds, 15 pounds. It does not even take that much energy for us to get to the store and back home. We could walk it if we had to. But we take our car, and it takes a lot of energy to get that car to the store and back. If you do not believe that, next time you go into the store, do not drive your car there, push it and see how much energy you use just moving that car around. That is where our major sources of energy are today, not in feeding ourselves, not in manual work but in all the many things we have to do work for us.

Every one of those things cost money. But they are also totally essential to the economy we have. Sometimes we do not realize it, but it is no secret why every shortage of energy was followed by a recession or at least an economic slowdown. This happened in 1973 with the shortage then, in the early 1980s, roughly in 1990, and now today energy prices went up, we now are in an economic slowdown. There is a cause and effect there, because energy is so vital to our economy. We do not even recognize it, but it is and that controls our fates to a large extent. Why is that?

Suppose you want to manufacture something. It could be a tin can; it could be a car. Sometimes it is hard to tell the difference. But in any event to start with, you have to dig a hole in the ground to get at the ore, the iron ore, or the aluminum ore, whatever you may have. That takes energy to dig that hole. It takes energy to take the ore out. It takes energy to transport it to the smelting plant, to purify it and make it into ingots. Once again it takes energy to transfer it to a rolling mill where it gets rolled into steel or aluminum. It takes energy to transport that rolled steel or aluminum to the factory. It takes energy to fabricate it into the tin can or to the car, and then it takes energy to transport the tin can or the car to your home. Every single step of the way requires the use of energy. That is why we are so totally dependent on energy.

But why do we not recognize this? For a very simple reason: energy is intangible. We cannot see it, we cannot touch it, we cannot perceive it. It is not like a material resource. In fact, it is totally different from a material resource. And so we are using this energy that we do not understand, we cannot see, and we cannot see the effects of very easily. How do we know it is there? One tangible way is the price at the gas pump. And so we get very upset when that price goes up. That means energy is in shorter supply. Our utility bill is another tangible evidence. But we do not see it and we do not feel it; we do not recognize its effect in our lives.

That is why it is so extremely important that President Bush took it upon himself to try to develop a national energy plan. He knows about energy. He has been in the oil business. He understands the importance of energy. I have wanted an energy plan for this Nation for a long time, but it has been very hard to get the attention of the people without a shortage of energy. We had a shortage of energy this year. We still have looming potential shortages of energy, as you can see from this chart that the gentlewoman from New Mexico used; and we have to be aware of that. We have to try to develop new sources of energy at reasonable cost. Energy is so important that we absolutely need a good energy policy.

Tomorrow, the House of Representatives will debate such a policy. It has taken months of work, first on the part of the Vice President and his working group, secondly the support and work of the President, and now it is in the hands of the Congress. We have spent months working on it in different committees, conducting hearings, learning from the experts, trying to put together a package that has all the essential elements. There has been a lot of disagreement. There are a lot of different ideas of how to approach it. Some want to drill for more oil; some want to import oil from Canada and natural gas so we can make use of their resources and also from Mexico. Others want alternative sources of energy. Others say, let us conserve more. The point is, we have to do all of the above.

The President's energy plan does all of the above. You may still quibble and say, well, there is not enough conservation, or there is too much of this, there is too much of that.

□ 2045

That is something we will continue to work on. The important factor is we have an energy plan here before us. It represents the hard work of the administration and the Congress. It is up to us to pass that energy plan, to educate the people of our Nation about the nature of energy and how important it is and how it should be used.

I urge my colleagues tomorrow as we discuss this issue that we not lose sight of the main goal, and that is to develop an energy plan and policy for the United States which will benefit every single one of us.

So I urge that we all work together and adopt this plan, and I hope the Senate will join us in this so that we can have a good plan for the future and not run into the pit that was outlined by the gentlewoman from New Mexico (Mrs. WILSON) of becoming dependent on Saddam Hussein and other dictators who control oil, and that we can develop low-cost, dependable sources of energy of various types, both new ones and existing ones, so that the people of this country will once again enjoy a good economy.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Michigan for his wise words. You can tell the gentleman is a physicist by his thought processes.

We are delighted to be joined now by the gentlewoman from West Virginia (Mrs. CAPITO), who comes from what I would call coal country.

Mrs. CAPITO. Mr. Speaker, I thank the gentleman very much. It is a pleasure to be here this evening to talk about the impending energy legislation that will be before us tomorrow.

I was listening to the gentleman from Michigan (Mr. EHLERS) discuss his definition of energy: When you wake up in the morning you feel energized, or sometimes you do not feel so energized.

When I think about this energy plan, another word comes to mind to me, and that is balance. I think as a new Congresswoman, I am trying to learn myself how to balance things in my life; how to balance my work with my leisure, if I have any, and my family, in my new surroundings here in Washington. It is a matter of making choices, it is a matter of setting priorities, and it is a matter of being realistic about what is before me as a new Congresswoman. I see the new energy plan much in the same way.

For the past 20 years, America has coasted blindly into the future, naively trusting that our sufficient resources would be ready and available whenever we would need them. But we know the recent blackouts in California and serious fluctuations in the prices of gasoline have shown that our well of energy has dried up a bit.

Fortunately, we have an administration before us now with President Bush and Vice President Cheney who have compiled a plan that is balanced and comprehensive, and it provides for our energy in a safe and clean manner.

The Bush plan calls for increased production, but it also calls for greater technology, greater research and development, and also has a large component of conservation, there again, striking a balance between all the elements. Not only will this help protect the American consumer from future blackouts and huge electricity price spikes, but, for me, living in West Virginia, one of the bonuses is it will create more jobs. That is welcome news for us as West Virginians.

We see the depth of the diversity in the plan in the amount of research in funding that goes to green energy, a new resource, and alternate sources such as biomass. There is an expansion of the biomass tax credit and more funding for biopower energy programs.

The reason I bring this up, even though coal is a great part of what I want to talk about, just last week a few of my constituents came in to see me about implementing a potential biomass energy production project in my district. Because our State of West Virginia also has a large timber industry, they proposed using the energy from the wood scraps and the leftover wood by-products to provide local power. Their proposal, I thought, was very impressive. They were creating green power out of what has basically been and formerly been a waste product from the timber industry. They have a wonderful idea of how to use another West Virginia resource in an environmentally clean way and to provide for that basic need, energy.

Aside from being environmentally friendly, the use of this type of energy positively impacts our local rural economies. For instance, to transport the timber would be very expensive, so you place the power plant very close to the fuel crop of timber, and then you can use that raw material to generate green power. This creates a new plant and jobs in the community.

The Bush energy plan directs more time and resources to exploring these projects and others like them. For instance, about a month ago I went to West Virginia State College, a college in my district, in Institute, West Virginia. They had just imported from another area in my district, Moorefield, that has quite a few chicken farms, and they had imported a digester. They are taking the chicken by-products and with the digester using them to create power, small levels of power, but enough to power the football field, some of the athletic facilities, at West Virginia State College. It is experimental, but, there again, a different approach to creating energy.

In addition to producing more alternative fuels like biomass, we see more production in this plan for the traditional sources of power. Another one we have in abundance in West Virginia is natural gas. We are one of the largest exporters of natural gas in the whole country. We are digging deeper and becoming more productive in our ways of getting natural gas.

This energy plan we have before us has a large component of natural gas. I think the gentleman from Pennsylvania (Mr. PETERSON) mentioned in his opening statement that natural gas is still the largest fuel used for energy.

I would like to turn to coal. With 35.4 billion tons of coal in reserve, West Virginia has a ripe opportunity to help in this time of a national energy crunch. The amount of coal that lays sleeping in our West Virginia hills amounts to $4.5 trillion in value.

Last year in West Virginia the coal industry alone employed 21,000 West Virginians, up almost 4 percent from a year ago. It is clear that increasing production of this resource would be good for economic development in West Virginia, a state that is always searching for more jobs.

Last year in West Virginia in the transportation and public utilities industry we employed 37,000 people. Well, with new clean coal technology and an advanced way to burn and use our coal more efficiently, not only would we have more coal production, but we would also have offshoots of this, like transportation in the construction industry. A plan that calls for more production of energy resources, more construction of power plants, and more infrastructure will make these 70,000 employees more productive and more useful.

I see a tremendous amount of potential in this energy plan, because it is balanced. We are not finding one solution to a very large problem; we are looking at a myriad of solutions to try to meet an enormous problem and to face the future of the next at least 25 to 30 years.

I think timing is everything in politics, they say, and I think in terms of facing energy needs, there could be no more timeliness than the present moment. America cannot walk blindly into the future and naively assume, I think as we have in the past, that our children's energy needs will be met. We must have long-term vision and must plan not only to produce, we must learn to conserve, and we must learn now to act tomorrow to implement what I think is an innovative, exciting energy plan for the country.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentlewoman from West Virginia for her very thoughtful comments, especially about coal.

We are now joined by our friend the gentleman from Utah (Mr. CANNON). Welcome to our discussion on energy.

Mr. CANNON. I thank the gentleman from Pennsylvania (Mr. PETERSON). I thank my friend from Pennsylvania, another coal state, for his time here. And while I think it is very important that we produce green energy, I really love coal, and it is what fires America, keeps our lights on.

I want to say H.R. 4 is a carefully crafted bill that balances energy conservation and increased production. It is the product of the work of the gentleman from Utah (Chairman HANSEN), the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from New York (Mr. BOEHLERT), and it is one that we should all support for the good of our Nation.

I do believe there is a need for additional work on an important facet of

our country's energy policy, the role that American Indian and Native Alaska Tribal Governments can play in the development of new energy resources. Some tribes, like the Utes in my district in Utah, are ideally located on or near oil, shale, coal, petroleum or natural gas reserves, and others have the good fortune of being located near the power grid and thus could easily become energy producers.

Indian energy also provides an opportunity for us in Congress to put our money where our mouths are when it comes to tribal sovereignty and economic independence. Many of my friends on both sides of the aisle are concerned about the increasing dependence on gaming as a means of economic development for Indian country.

None of us in this chamber want to see Tribal governments relying on gaming solely for job creation and economic empowerment. Indeed, I think I speak for many of us in saying that we would like to broaden the economies of Indian Tribes so that gaming becomes less and less important over time.

Energy production is the ideal opportunity to fulfill our trust responsibilities to these local governments and provide Tribes with the tools to help their members, but how do we do that? One answer is to establish more Federal bureaucracies that, while well-intended, often create more burdens than benefits. Such solutions often do more harm than good by furthering Federal paternalism that undermines the concept of sovereignty. Rather than create more bureaucracies, we must ensure that the President's recent order to reduce regulatory barriers to energy production also applies to the Bureau of Indian Affairs.

But we should consider doing more. Many proposals to date have overlooked key issues, and instead provide for new Federal programs and loan guarantees that do not address the full spectrum of energy issues.

We should look to streamlining the process for Tribes to take lands into trust, specifically for energy production, so long as the local communities continue to have input into such acquisitions. We should also consider allowing Tribal governments to do their own environmental assessments, rather than having to rely on the Federal bureaucracy in Washington, D.C. Congress should consider whether, as sovereign governments, Tribes should have licensing and permitting authority for Federal production facilities.

Most of all, Mr. Speaker, we must fully consult with Tribal governments to see what they feel is necessary to encourage the development of new energy sources on Indian lands.

I look forward in the weeks and months to come to working with my colleagues on both sides of the aisle and our friends in the Native American community. Specifically I hope to move legislation in the Committee on Resources that will promote Tribal sovereignty and self-sufficiency while fostering meaningful economic development.

I would like to thank the gentleman from Pennsylvania for his efforts.

Mr. PETERSON of Pennsylvania. Mr. Speaker, we thank the gentleman from Utah. We hear now an Indian perspective of energy potential also.

We are really covering the country tonight, from one end of the country to the other. We are now at the far West Coast, where there have been real challenging, interesting energy problems.

I yield to my good friend, the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman. I think together we represent both the East and West Coast versions of national energy. I want to thank the gentleman for providing this time.

Also I want to thank the President of the United States for putting together an energy policy for this country, because it has been so long overdue and so important. I thank him for providing the leadership on this issue. So much can be done when you are President of the United States, and yet so many presidents I think tend to look at what the polls are and judge their administrative actions and their job as president by what the polls dictate.

We had a similar situation like that in California about a year ago, last May, when it looked like it began to become apparent that a law that was passed in 1995, a phony deregulation bill, I guess I would call it, began to show signs of wear and tear on energy in California. Consequently, the prices of energy in California began to kind of jump through the roof, starting in San Diego.

Unfortunately, the leadership in California looked at the polls, and the polls said that if you did what was necessary, you might suffer in your polls, at least on a temporary basis, because the remedy for that was a very, very modest increase. About a year ago it would have been something like 20 to 25 percent in power rates would have brought things back in line, in addition to negotiating long-term contracts in California. It would have corrected the flaws in this 1995 deregulation bill.

Because that leadership was not provided in California, of course, we began to be familiar with the terms ''rolling blackouts'' and ''price spikes'' and ''$3,800 power,'' these kinds of things. It was because the leadership was not provided at the State level.

It makes me more appreciative of this president, the fact he has come up to the plate and decided to take on issues that may not be all that popular. But they need to be addressed in this country. Because as in California, and we are thankful that the temperatures have not gotten too hot, that we have not had the rolling blackouts, yet, that we had anticipated for this summer, but the threat is still there, and because the President is tackling I think the energy situation in the United States, I think it will save a lot of the rest of the country what California has had to go through in learning tough lessons.

So, the President is providing the leadership, and I think it is up to us in the House to pass his package, which I fully support. It is a balanced package. It is not over reliant on any one type of energy. It spreads our liability through many, and also makes us more dependent on our own resources, which I think is really the moral thing to do in the United States.

As much as we do not like a power plant perhaps in our backyard, we certainly do like to flip the switch and see the lights come on, and we certainly do like to turn the faucet and see water come out of it. That is the bottom line for the United States.

So, again, I applaud the President. I think he is doing a great job in his policy. I support this energy plan, and I look forward to its passage in the House tomorrow.

□ 2100

Mr. Speaker, I appreciate the gentleman from Pennsylvania yielding me time.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I would ask the gentleman, what kind of electric cost increases are happening in California?

Mr. RADANOVICH. Right now, because the Governor waited so long to do any price increases, the PUC eventually raised prices up to about 48 percent. We have a home in California and pay generally when we are not there about $48 a month, and it went up to about, in our particular case, almost $200 a month, even when we are not there on occasion, and so the price increases are very steep in California.

Californians are beginning to feel that right now. But they should know that had the Governor acted earlier, the price increases would have only been about 20 to 25 percent and would have corrected the problem and, frankly, saved the State billions of dollars, at least $8 billion, probably $20 billion.

Mr. PETERSON of Pennsylvania. Well, the energy prices are important ones to ourselves, along with our traveling costs and our home costs. But we pay them again in our education costs, we pay them again in our health care costs. And in business, we pay them again in business; if one owns a business, that is a high energy user, so it hits us a lot of ways when energy prices spike that much.

Mr. RADANOVICH. Well, there is a good side, if we want to call it that, to price increases in that it does cause us to conserve energy. Price increases, unfortunately, are the best conservation

method there is out there. But, there is a big difference between 20 and 25 percent and a 48 percent increase. It really was not necessary to raise rates that high had he acted earlier in order to affect the kind of savings that we actually could get in California.

Mr. PETERSON of Pennsylvania. The other issue is, I remember rolling brownouts during a winter a few years ago when energy was short in Pennsylvania and it was zero degree weather and the problems that were caused when electric was off just for a few hours. Maybe the gentleman could share with us a little bit about what happened. I heard there were industries that were actually deprived power.

Mr. RADANOVICH. Oh, there are. When a rolling blackout happens, unless you are in a district near a hospital somewhere, then you are not protected. And even in that case, you are not protected from some medical emergencies. We had an ophthalmologist, who was doing cataract surgery, in the middle of cataract surgery when the lights went out and they struggled around for about 30 to 60 seconds before they could get their private generators going. The gentleman can imagine, if you are in the chair and you are getting cataract surgery, I assume that you are awake during this whole time, and all of a sudden the power goes out on you.

We also have one of the largest plate glass manufacturing plants if the country. There are about four of them all over the place that use enormous amounts of energy and, of course, in order to make glass, you have to heat it up to where it becomes molten and then it goes through a lot of sophisticated equipment before it comes out as plate glass. When you have a power outage for 8 hours, all of that molten stuff freezes up inside all of that sophisticated machinery and you lose every bit of it.

So these companies in California have been scrambling to make sure that they have an alternative energy supply to click on real fast once we do get a blackout. This generally makes us more reliant on power sources that are not necessarily energy efficient and environmentally efficient. So generally, what we rely on are power plants that pollute the air more than what we want, certainly, or should allow, and cause, I think, more environmental damage in California.

So it is not a good position to be in if one is an energy user or one is concerned about the environment. It kind of swings both ways.

Mr. PETERSON of Pennsylvania. Mr. Speaker, economically, it may take a little while, but when a company in California or any State that has a prolonged energy spikes and the rest of the country does not, we have put that company in a noncompetitive position immediately and, in time, they will not be able to compete with companies that are using a lot more less costly power.

Mr. RADANOVICH. Right. And in California, we pride ourselves as being the seventh largest economy in the world. We rank up there with nations. We are very, very proud of that. But we cannot last long like that if we cannot even supply the basics. This is basic infrastructure we are talking about at an affordable price. When it is more affordable in any other State in the country, business will leave. It will drastically affect the economy of California. So these are the concerns that we have, of course, because being a Californian and those of us that live there, we care about our State and we want to make sure that we get through this reasonably well. But it has vast economic impacts.

Mr. PETERSON of Pennsylvania. Mr. Speaker, just to look at a few of the spikes that were regional in the last few years. In 1999, the fuel oil, truck fuel price was, in the East, from about Pennsylvania up to New England and for most of the winter, trucking companies were calling me and going out of business because they could not compete with their competitors because their fuel prices had doubled. But they were regional problems.

Then, in the year 2000, in Chicago and many areas that had the huge gasoline peaks and gasoline prices there and I think they were over $2 a gallon. Last winter, the changes, because of the problem the gentleman is having in California, and 95 percent of the new generation for electricity is natural gas. Historically in this country, we did not use natural gas for power generation. Maybe a little bit of peaking, but not regular power generation.

It was basically saved for home fuel and for commercial industrial, as the easy, clean fuel. So now that we are major into using natural gas for power generation, we have spiked the price. Because last winter, gas prices in my part of the country were up 120 percent for home heating. Now, that took a lot of money out of spendable income.

A lot of people have not talked too much about it, but last November and December in this country were the coldest Novembers and Decembers in history since they have been keeping track of temperatures. So they were not real cold temperatures, but they were cold every day of the month, each month. They were very cold months, the coldest on record. So there was tremendous natural gas use and there was inadequate supplies in storage, because they put natural gas in the ground in the summertime in storage caverns and then they use it in the winter.

So last winter, we had gas prices running $2 and something a thousand retail, they went to $8, $9, and $10 a thousand. In my district I actually lost businesses who depend on natural gas, who are heavy gas users; and we had a fallout from that. I had a company relocating to Louisiana, and another one went out of business because they no longer were competitive because of the natural gas prices.

I think with this great consumption of natural gas now for power generation, until the drilling can catch up, until the gas lines, the transmission lines can be built, in my view, natural gas spikes a couple of winters in a row can really have a huge impact on seniors staying in their homes.

Mr. RADANOVICH. Right. Mr. Speaker, that is why I think the President's plan is wise, because it relies on diversifying our energy sources.

We in California are far too reliant on natural gas, as the gentleman mentioned, and one can never put all our eggs in one basket and not expect to suffer at some point in time. So that is why I applaud the President for not just concentrating on say natural gas reserves or supplies, but also on some of the other Nation's resources, like coal reserves, renewable energy sources, nuclear energy and such. Those are all, I think maybe not equally dependent on all of them, but they all have to be a good part of our energy mix, and that is why I applaud the President for making sure that that is a part of this energy plan.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I think we all should be applauding the President for raising this issue, because it was not a popular political issue, but it is an issue that needs to be addressed. Because if America is going to grow, and our energy use is growing, but maybe we do not give ourselves enough credit. But while the economy in this country grew 126 percent, energy use grew 30 percent. So we have improved our efficiency, we have done that, very much so. But we need to continue to do so.

Now, $10 oil and $1.50 gas a few years ago kind of took our eyes off the ball. It made all other forms of energy noncompetitive. We could not compete with cheap gas and cheap oil. Now, if the prices do not get too high, but stay stably high to where other energies can compete with them, wind and solar and geothermal and fuel cells have a chance of competing in areas, so they can become a bigger factor when they can compete pricewise.

Mr. RADANOVICH. Right. And I think that conservation and renewable energy sources play a big part in the President's overall energy plan. But if we are going to deal with things realistically, we have to understand that a large portion of our energy is consumed by oil, natural gas, and hopefully, a greater percentage of nuclear energy.

Right now, the technology says that these are our main energy sources. And we can hedge those and help cut back on those by renewable energy sources

and conservation, but it all has to work together. The gentleman has the graph, and a large part is oil and natural gas.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I will give the gentleman the figures here. This is the Department of Energy. This is interesting. I will give the gentleman the change.

Currently, 22 percent of our energy is from coal, and they are predicting it will be 21 percent in the year 2020, that is 19 more years. Oil is currently 40 percent and will decrease only to 39 percent. Natural gas is the growth area. It is going to go from 23 to 28 percent. And nuclear they show dropping from 8 percent of our energy source to 5 percent, and they show renewable staying at 7. Now, that will be growth in renewables, but only as much as the growth in energy consumption, because the percentage is not changing.

Now, I hope we can do better than that. I hope renewables could double. But if we double renewables in the next 20 years, we would still only be 14 percent of our overall energy use.

One issue I wanted to mention on natural gas too; now, in oil, as we stop producing enough oil to run our economy, we then started to import from all over the world. We import from like 20 different parts of the world. Unfortunately, a lot of it is from unstable parts of the world that are not real friendly to us. But natural gas, we only import from two countries, Mexico and Canada, where we do it on pipeline. We do import a little bit of natural gas, but it has to be liquefied and I think there is only one port in the United States that can accept tankers of liquefied natural gas, liquefied natural gas from other parts of the world. That is the only way you can transport it is to turn it into liquid and then turn it back into gas again, and we only have one port.

So we cannot import natural gas like we can import oil. Only from Canada and Mexico. We are 80-some percent self-sufficient ourselves currently, but with the amount of power plants we are hooking up; when we hook up a power plant, it takes a lot of gas wells to fill up that pipeline to supply that power plant. So in my view, the next year or two, the amount of natural gas we can have on hand is going to be very important to make sure we do not have spikes in natural gas prices that would push our seniors out of their homes and push businesses out of business.

Mr. RADANOVICH. Mr. Speaker, if I may use a little bit of the gentleman's time to comment on one thing that I think will come up in tomorrow's debate on the energy plan and that is on the issue of price caps. As the gentleman knows, we have been facing that in California quite often; and we have deliberated over it many, many hours when we were putting together this energy plan.

As a result, FERC, the Energy Regulatory Commission, came up with what they call the 7–24, which is a 24-hour, 7-day-a-week price mitigation observation on the market to make sure that if there were any overcharges that they would all be susceptible to refund. After that imposition, it was interesting, because in California, the ISO, the unit that purchases the energy for California now, out of the Department of Water Resources, had the opportunity, or they were buying power at $80 a megawatt from a hydro facility up in the Northwestern United States, I believe it was up in Washington. They could have enacted the price mitigation measures that were passed by FERC which would have dropped it down to $40 a megawatt, which was basically the cap that was set.

The ISO refused to enact on that cap. Even though the leaders in California were wanting to make sure that they had a price cap, they refused to enact the price cap when they had the ability to do it, because the hydro facility in the Northwest would have kept the water behind the dam for their own use later on, or they could have gone somewhere and sold it at a higher price.

This was the real fallacy, I think, behind price caps, because you could never have price caps in California unless you had a for sale agreement in the western grid, which means you would have been calling upon States like Washington, Oregon, Idaho, Montana to suffer while California would not suffer in price increases or energy reliability, and yet those States that are giving away their hydropower would be suffering higher prices and an increased percentage of blackouts.

So it really was a fallacy, and I think it is showing itself to be proven in California now. I am saying this now because this issue is going to come up tomorrow in our debates; I believe that there will be an amendment on price caps. In a free system like what we have, it does not work; and unfortunately, we make other people suffer by even more blackouts and higher prices.

Mr. PETERSON of Pennsylvania. Mr. Speaker, foolish price controls really caused much of California's problems.

Mr. RADANOVICH. They did, yes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I want to go into one more issue that we have not talked about here and that is ANWR. And that is the one a lot of people are cautious about talking about, but I am not. With the improvements in technology, it will allow us to develop with very little impact on the environment, and we can drill directionally from gravel pads on the surface, roads to drilling sites would be constructed only on ice and would melt in the spring when the snow melts.

□ 2115

We are only going to drill on 2,000 acres of ANWR, when there is actually 19.6 million acres. We are only going to be drilling on 14 percent of Alaska's coastline. So we are not going to endanger all of Alaska, like some people think; and we will have a minimal impact.

The interesting thing is that because of the tremendous reserves there, every well we drill there, and there are two different charts of production in the lower 48 and in Alaska. One chart says 45 wells would have to be drilled in the lower 48 to replace one well in Alaska; the other one would be 70. I personally think the 70 figure is the most accurate.

The U.S. Geological Survey did a study. It came up to 16 billion barrels of oil were available in ANWR. That is enough to replace oil we import from Iraq for 58 years. I see now they are the sixth largest import country.

The opponents would argue that ANWR oil would only supply the U.S. for 180 days. This would only be true if we immediately stopped all other sources of oil, if it was our only source of oil; and we know that is not the case.

Seventy-five percent of Alaskans support it. They know the issue best. Prudhoe Bay, everybody who has been there has said we can drill there safely without harming the environment. We have been drilling there for 25 years. Environmental groups claim it will harm the caribou. They have increased five-fold in Prudhoe Bay since drilling began there in the seventies. Nature and hunters are more of a threat to wildlife than drilling.

ANWR development would create 736,000 new jobs. ANWR is the largest oil accumulation anywhere in the world. Only 14 percent of Alaska's Arctic shoreline would be open to exploration overall. Opponents say 95, but that is not true. Opponents say 5 percent is protected, but actually 86 percent is protected.

The pipeline from Prudhoe Bay is in place. We just have to extend from ANWR to Prudhoe Bay and the pipeline is there. There is also a great source of natural gas there; but again, our problem is how do we get it here.

The ANWR issue is one that I think needs to be looked at very carefully. I personally support it. I think it is better to drill one well in Alaska instead of 70 someplace else. With a pipeline in place, the infrastructure in place, it just makes sense.

Mr. RADANOVICH. I have to say if the North Slope were a Third World country, we would already be using those resources, and in a way that was far more harmful to the environment than under the President's plan right now.

It is unfortunate, but Americans consume 25 percent of the energy consumed on the Earth. Yet we only provide about 2 percent from our own natural resources. To me it is very hypocritical when we are that willing to

consume that much; yet we are less willing to use our own resources to do it.

The fact is, if the North Slope were a Third World country, we would be exploiting that oil right now; and the environmental standards would be lower than the ones we are placing on it at this time.

Mr. PETERSON of Pennsylvania. I think this energy plan is going to diversify us. We are far too dependent. Our largest dependence is 40 percent on oil.

I think we need to lower that percentage, because we only have somewhere between 2 and 3 percent of the world's oil in this country under our own control, when we have 45 percent of the world's coal, we have a lot of our own natural gas, we are producing 80-some percent of our own natural gas without imports.

Mr. RADANOVICH. I think if the gentleman were to go to the coldest, most barren, desolate, unappealing part of the world, that would be the North Slope. I think because so many people have not been there, there is this assumption that caribou are running wild among mountains and there are streams and waterfalls and everything.

This is not an appealing place. I think people need to remember that, that it is not representative of the beautiful State of Alaska at all. This is a cold, barren, desolate place that we would not want to be there.

Mr. PETERSON of Pennsylvania. The animals are only there a few months of the year.

Back to the other issues, in Penn State they have new research that has been very successful at making jet fuel out of coal. They also get a carbon product that could be used in the carbon industries. That is moving to refinery development this year.

They also have some coal boilers that interest me. They have one that would burn gas, powdered coal, or oil. Think if a factory, hospital or business had the ability to burn any one of those three fuels cleanly. And the clean technology is with us; the scrubbers and all the equipment is with this boiler.

Now if you are a business person, a hospital, or one of our educational facilities, we buy the fuel that is the cheapest. We are not in bondage to any one fuel. They also have the fluidized bed boiler that we are utilizing in Pennsylvania a lot for burning our old waste coal piles, with high sulfur and very low Btu. The waste coal was piled on top of the ground. We are now burning and getting rid of it because it was an environmental hazard.

The fluidized bed process will allow us to burn almost anything, that process where we use crushed limestone with whatever we burn, and the limestone locks up with the pollutants. Then with the scrubbers, we really have a very fuel-efficient and a very clean burn.

That is another type of burner that I think we ought to be promoting, because again, we could burn coal and animal waste, or oil, a blend of oil and coal. We could burn whatever was cost effective. In some cases it might be animal waste, animal fat, or different things we know are problematic today to dispose of, they could be burned as fuels. They are doing some very interesting research at our universities to help us diversify our energy needs.

Mr. RADANOVICH. All due to increased technology.

Mr. PETERSON of Pennsylvania. We are in the technology wave.

It is about time to wrap this up. Let us quickly go over the chart down front, America's energy situation. Foreign oil dependence is now 56, and we will be 66 in 10 years. Natural gas prices soared to triple last year's prices, which caused home heating last year in my area to be a real pain and caused some businesses to go out of business.

No new gasoline refineries built in 10 years; no new nuclear plants licensed in over 10 years. There is new nuclear technology today that is much superior to the past, not nearly as expensive to put in place.

No new coal plants built in 10 years. There is a new one being built in Pennsylvania right now. It is going to be using, again, waste coal that is on top of the ground already.

Gas and electric transmission capacity is overloaded.

Those are some of the problems. Anyone who says we do not have energy problems in this country, we have distribution problems and access problems. As we said in the beginning, for energy to be affordable and available to people and businesses, we need strong, ample supplies of each and every kind of energy. And we need to develop a system that is not so dependent on oil, not so dependent on one fuel, but gives people alternatives. Then people that use a lot of fuel in a business could choose the fuel that is the cheapest for the day.

We have the technology to do it cleanly. We need to, as time goes along, to grow the renewables. I think fuel cells are a great potential. There will be slight growth in wind and solar. I do not think they will be major players. Geothermal has some potential.

None of those will put enough into the system to even take care of our growth in energy needs. Fuel efficiency, conservation and fuel efficiency, can only take up half of the slack of the energy-need growth, so we have to have more energy and a system to deliver it.

Mr. RADANOVICH. I want to thank the President for bringing to the Congress his energy plan, and I hope we pass it tomorrow by wide margins.

Mr. PETERSON of Pennsylvania. I do, too. I thank the gentleman from California, a good friend. So from the east coast to the west coast, we will join hands and hopefully can bring this one home for the people of this country.

I thank all who participated tonight to talk about energy, an issue that is number one in this country and one that I commend President Bush and Vice President CHENEY for having the courage to tackle.

It is our future. Energy is what runs this country; and we must have abundant supplies, a delivery system, and we must use it wisely.

HMO REFORM AND THE REAL PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I plan to talk about HMO reform and what I call the real Patients' Bill of Rights.

Mr. Speaker, I have been here many times before in the last few weeks and even in the last few years to talk about this issue, because I do think it is so important to the American people. We know about many abuses that have occurred within managed care where people have HMOs as their insurance; and frankly, almost a day does not pass by without somebody mentioning to me the problems that they have had with HMOs.

Over the last few years our concern over this, particularly in our Health Care Task Force on the Democratic side, has manifested itself by supporting a bill called the Patients' Bill of Rights, which is sponsored by the gentleman from Michigan (Mr. DINGELL), a Democrat, the gentleman from Iowa (Mr. GANSKE), and the gentleman from Georgia (Mr. NORWOOD), who happen to be two Republicans.

We had a vote in the House of Representatives in the last session of Congress, at which time almost every Democrat supported the Patients' Bill of Rights, and 68 Republicans also supported it. Unfortunately, the Republican leadership here in the House of Representatives has never supported the bill, and continues to oppose it. Also unfortunately, now President Bush has indicated since he took office his opposition to this legislation.

What is happening now is that we had a commitment from the Speaker to bring up the Patients' Bill of Rights over the last few weeks, and specifically last week; but he announced last week that that vote was postponed and delayed because the votes did not exist for an alternative HMO reform bill sponsored by the gentleman from Kentucky (Mr. FLETCHER).

I hate to say it, Mr. Speaker, but the bottom line is that this alternative Fletcher bill is not a real Patients' Bill of Rights; it is a much weaker version, if you will, of HMO reform. I could make a very good case for saying that it does not accomplish anything at all and continues the status quo.

What we hear today is that the Republican leadership plans to bring up HMO reform on Thursday of this week. In fact, in just a few hours there might actually be a markup in the Committee on Rules on the legislation.

But again, the issue, Mr. Speaker, is what are we going to be able to vote on. Will we be able to vote on the real Patients' Bill of Rights, the Dingell-Ganske-Norwood bill, or are we going to see the Fletcher alternative or some other weakening effort, so we do not have a clean vote on the Patients' Bill of Rights?

Unfortunately, Mr. Speaker, I was reading in Congress Daily, the publication that we receive about what is going on on Capitol Hill. It actually indicates tonight that the Republican plan is to somehow separate out various pieces of the Fletcher bill and propose them as amendments to the real Patients' Bill of Rights.

I do not really know what the Republicans' procedure is going to be; but if this is the case, once again, it is a sort of insidious way of trying to kill the real Patients' Bill of Rights.

The Congress Daily says that ''likely amendments include the Fletcher liability provisions, an access package of proposals seeking to expand insurance, possibly an amendment replacing the bipartisan bill's patient protections with those in the Fletcher bill. Also possible is an amendment to impose caps on medical malpractice awards.''

Let me tell the Members, if any of these things do in fact happen, if this is how the Republican leadership intends to proceed, it once again indicates that they are not in favor of a real Patients' Bill of Rights; that they are not making an effort to bring up this bill, but rather, to kill the bill. I think that is very unfortunate.

I have some of my colleagues here, and I will yield to them. But I just wanted to point out why this Fletcher bill is nothing more than a fig leaf for real HMO reform. It is an effort essentially to peel off votes from the bipartisan Patients' Bill of Rights and undermine the effort to pass real HMO reform this year.

Just as an example, the Fletcher bill contains almost no protections for patients; and it gives patients almost no ability to appeal their HMO's decisions to an independent panel, or to take HMOs to court when they are denied treatment or harmed in any other way.

The real key to HMO reform that is personified, if you will, that is manifested in the Patients' Bill of Rights, the Dingell-Ganske-Norwood bill, is the ability to say that your physician and you as a patient would make decisions about what kind of medical care you get, not the insurance company.

The second most important aspect of the real Patients' Bill of Rights is that if one is denied care because the HMO does not want to give it to us, we have a right to redress our grievances and go to an independent panel, separate and independent of the HMO, to overturn that initial decision. If the Fletcher bill basically does not accomplish those goals, which it does not, then it does not achieve real HMO reform.

I have a lot of other things that I could talk about this evening, and hopefully that we will get to, but I have two of my colleagues here who happen to be both of them from the State of Texas. The State of Texas has a real Patients' Bill of Rights in effect. It has had that since 1997.

I heard some of my Republican colleagues on the other side of this issue say, We do not want the Dingell-Norwood-Ganske bill to pass because if it does, it will mean there will be a lot more lawsuits. The cost of health care will go up, health insurance will go up, and people will lose their health insurance.

□ 2130

Well, the Texas experience tells us that that is simply not the case. In Texas, over the last 4 years, there have only been 17 suits filed. In Texas, the cost of health insurance has gone up somewhat, but not as much as the national average. So it simply is not the case.

The one thing that I think is most crucial, that I want to mention before I introduce and yield to my two colleagues from Texas, is that what the Fletcher bill does is to preempt a lot of the rights and patient protections that Texas and other States have. Because the Fletcher bill essentially preempts the States' rights and makes all the protections under the Federal law.

What that would mean for States like Texas and New Jersey and about 11 other States that have good patients' bills of rights on the State level, is that they would even be undermined because of what is happening with the Fletcher bill. This is just the opposite of what we would like to see and what we have all been striving for here. It is very unfortunate that we might see this Fletcher bill, or some parts of it, become the focus of debate on Thursday, when this bill comes up.

Mr. Speaker, I wish to yield to a colleague who has been very active on health care issues, not only this one but many of the other health care issues, and who has been speaking out on this issue for a long time, the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I appreciate very much the opportunity to share this hour with the gentleman from New Jersey (Mr. PALLONE) and with my colleague, the gentleman from Texas (Mr. LAMPSON).

We do have a unique perspective on this issue, being from Texas, because Texas was one of the first States in the Nation to pass patient protection legislation. I am sure that there are people tonight listening to us talk about this issue who really wonder what is the big deal about this patients' bill of rights debate in Washington.

We are gathered here tonight on the eve of the consideration of this very important legislation on the floor of this House. We have been at least led to believe that it will be considered either Thursday or Friday. Now, this is not the first time this bill has been on the floor. We considered it over a year ago. We passed it in the House. At that time, the bill died in the Senate.

This year, we have a situation where the bill has passed in the Senate; and it is now up to the House to move on the same legislation. The bill in the Senate, sponsored by Senator MCCAIN, Senator KENNEDY, Senator EDWARDS is almost identical to the bill that we support here in the House, the Norwood-Dingell-Ganske-Berry bill. That is the patients' bill of rights that we believe the American people deserve.

All of this really comes down to one central thought, and that is that when an individual is lying flat on their back in the hospital, fighting for their life, they should not have to be fighting their insurance company. It is important, we believe, to guaranty that patients and their doctors will make the decision about their health care rather than some insurance company clerk in some far away city.

Because managed care companies, HMOs, assume the role of determining whether certain treatment prescribed by an individual's doctor is medically necessary, their opinions often conflict with what a doctor recommends as treatment. Countless doctors have reported to us that they spend hours, literally hours on the telephone arguing with some insurance clerk representing a managed care company trying to get treatment approved, when in many cases we know that mere minutes can mean the difference in life and death.

So the Norwood-Dingell-Ganske bill is a strong piece of legislation designed to ensure certain basic rights and protections for patients: to be sure patients are treated fairly, to be sure they have the opportunity to have the best medical treatment available, to be sure that doctors and not insurance companies practice medicine.

We are very hopeful that this good strong bill will pass this House intact. Now, as the gentleman from New Jersey (Mr. PALLONE) mentioned, there has been another version of the patients' bill of rights sponsored by the gentleman from Kentucky (Mr. FLETCHER). It is a much weaker bill, in

my opinion; and it creates many unusual rights for insurance companies, basically designed, in my opinion, to protect them from accountability.

We all believe in this society in personal responsibility, personal accountability. In Texas, we have some good strong patient protection laws. They are working well. What we found in Texas is that when we proposed the legislation in 1995, and I carried that bill as a member of the State Senate, the opponents of the bill said, well, it is going to cause health insurance premium costs to rise and it is going to result in a lot of litigation.

We passed that bill in the State Senate 27 to 3. The House of Representatives in Texas passed it by voice vote. Then Governor Bush vetoed the bill after the legislative session was over. We had no chance to override the veto. The next session of the legislature, in 1997, the identical bill was broken down into four parts. Three of those bills passed and received the Governor's signature. The fourth, passed by an overwhelming majority, related to insurance company accountability and insurance company liability. Then Governor Bush let that one become law without his signature.

Again, the opponents of the bill said it is going to result in higher insurance premiums and it will result in a flood of litigation. We have had that bill in place as law in Texas for 4 years. The record is clear: health insurance rates in Texas have risen at approximately half of the national average. And as we look at the litigation, we see that there has really been very little litigation. What has happened under the bill is that 1,400 patients and their doctors disagreed with the decision of the insurance company about their treatment, and they utilized the protections of Texas law to appeal that insurance company's denial of care.

Fourteen hundred patients in Texas in 4 years have exercised their right to appeal an insurance company decision. In 52 percent of those cases, the patient prevailed. In 48 percent of the cases, the insurance company prevailed. In the cases where the patient was denied the care that the patient and their doctor sought, only 17 lawsuits have resulted. I hardly call that a flood of litigation, as the opponents asserted when the bill was passed in 1997.

The Norwood-Dingell-Ganske-Berry bill is modeled after the Texas law, and it is very similar to laws in many of our States designed to protect patients. So the States are way ahead of the Federal Government in this area. Today, the Texas law stands as a model for the Nation.

Unfortunately, only about half of those enrolled in managed care in Texas are covered by the Texas law. When we passed the legislation in 1997, we really thought all patients in managed care were covered. But it turned out that a Federal Court ruled in a lawsuit involving Aetna Insurance Company, that basically did not like the Texas law, that an arcane Federal law, called the Employee Retirement Income Security Act, passed in 1972, which was a bill that was thought by most people to cover retirement plans, that that also covered managed care insurance plans that operate in more than one State. Thus, the Federal Court ruled that those enrolled in managed care plans that operate in more than one State are not covered by these State patient protection laws. That is about half the people in Texas and in most other States.

So that is why we are having this debate in Washington. That is the genesis. Because we have the unusual situation in law today that because of this 1972 ERISA law, insurance companies who have managed care health plans stand as the only business in America that have no liability for their wrongful and negligent acts.

So the Norwood-Dingell-Ganske bill is designed to fix that. It is designed to say that every managed care insurance company in this country will be personally responsible and personally accountable, and they will be accountable under the Norwood-Dingell-Ganske bill in the same way that every business and individual in this country is accountable under the laws of our land.

So we believe that this bill is essential to eliminate a loophole that exists in the law that allows managed care health insurance companies to be the only business in America without responsibility.

The Norwood-Dingell bill has many protections for patients. It sets up a review procedure allowing a patient to make an appeal of a managed care health care decision internally within the plan. If they are dissatisfied, they can appeal to an external independent review panel. And if they are dissatisfied with that decision, they have the right every other business and individual in America has, and that is to go to a court of law and have that matter heard by a jury of one's peers.

That is what our legislation is all about. The Fletcher bill denies that. And I am sure that when the Norwood-Dingell-Ganske bill comes to the floor of this House, there will be many who will do the bidding of the managed care industry and try to carve out a special status under law for the managed care industry.

In Texas, in 1995, we had a major piece of legislation commonly referred to as tort reform. It was one of four planks of Governor Bush's platform when he ran and was elected as governor. He pushed that in the legislature and the legislature agreed that we needed managed care reform in Texas. It resulted in some limits on the amount of damages that can be awarded in lawsuits. It limited what we call punitive damages. That is those damages that can be awarded against a defendant when it turns out that that defendant has acted willfully and wrongfully and with malice and has committed such a grievous tortuous act that they should be punished. That is punitive damages.

And in Texas, in the tort reform effort, the governor and the legislature limited the amount of punitive damages that can be awarded in litigation, and it did so by a formula. That formula says that punitive damages shall be kept at whatever a judge or jury finds to be the economic damages, that is the loss in earnings and wages, multiplied by two, plus up to $750,000 of noneconomic damages, pain and suffering and those things that cannot be equated easily to dollars. But that was a cap that the legislature and the Governor signed on punitive damages.

Frankly, what we see in the Fletcher bill is a limit on damages that far exceeds any limit we put in the law in Texas. And when we saw the Governor and the legislature pushing tort reform and limits on punitive damages, nobody suggested that there should be a special carve-out, a special exception, a special rule for the HMOs in the managed care industry. Because common sense would tell us that managed care insurance companies should have the same limits of liability, the same degree of accountability, the same degree of responsibility as any other business or individual when faced with an action in the courts of our land.

The Fletcher bill, and some of the amendments I suspect that will be proposed to the Norwood-Dingell-Ganske bill will attempt to carve out a special status for the managed care health insurance industry. And that is wrong. And I think the American people understand that, and that is why I would call upon this Congress and our President to do what we did in Texas when we pursued tort reform and make sure that everybody is treated the same, everybody is equally accountable, everybody is equally responsible for their negligent acts.

That is why we have insurance, because we all know we can make mistakes in business. We can make mistakes in driving an automobile. That is why we have insurance coverage. And there is absolutely no reason to think that a managed care insurance company should have a special set of rules that applies to them. Furthermore, there is no reason to think that the Federal Government ought to get in the business of creating Federal causes of action when it involves tortuous acts.

In law, we talk a lot about torts. That is intentional injuries. Negligent acts resulting in injury. We talk about contracts.

□ 2145

The Norwood-Dingell-Ganske bill makes the logical distinction between those two things. It says matters of contract, matters of health care plan administration shall be subject to the Federal courts if it is a multistate health insurance plan, but it preserves the historic right of the States to pass the laws that govern in the area of personal injury. That is the way it should be.

When we look at the Fletcher bill and some of these amendments that will probably be offered to the Norwood-Dingell-Ganske bill, what we see is an effort to federalize these kinds of issues that traditionally have been the rights of our States.

I know that the members of the Texas legislature are proud of the patient protection legislation that they passed. I know that they believe in States' rights, and I think it would be wrong in an effort by those who would seek to carve out a special exception for the managed care industry to try to federalize a cause of action to create a Federal cause of action that would be able to be tried separate and apart from the protections of law in every State in this country.

That is what this debate is all about: are we going to hold insurance companies who have managed care health insurance plans accountable on the same basis as every other business and individual in our respective States are held accountable and responsible. I hope that when it comes to the debate this Thursday or Friday, that the point of view that I am expressing will prevail because it is consistent with States rights, with the best protections for our patients; and it will get us back to the point where patients and their doctors practice medicine and not insurance companies.

Mr. PALLONE. Mr. Speaker, I thank the gentleman; and I know that he raises a number of points. I think one of the major things I do need to stress, and again because I have two colleagues here from the State of Texas which was the first State to pass a really good Patients' Bill of Rights, it is very unfortunate that the Fletcher bill, the Republican leadership bill, would seek to preempt State laws like those in Texas; and I think this is another indication that the purpose of the Fletcher bill is not to provide for greater protections for people who are in HMOs, but rather to weaken existing protections and essentially kill the effort we have here to have a strong Patients' Bill of Rights.

There is no better manifestation than the fact that the Fletcher bill preempts stronger State laws that protect patients. The Supreme Court made it clear that patients can seek compensation in State courts; yet this Republican bill effectively blocks action in State court and forces patients to pursue these limited remedies in Federal court, which is a much more difficult place to achieve relief. Going to Federal court is not easy. It costs more, it takes longer, and it is a much more difficult place to get any kind of relief.

As the gentleman says, the Fletcher bill continues to shield the HMOs from accountability in State courts where doctors and hospitals are currently held accountable. It is real unfortunate because as the gentleman said, what we have been trying to do with the Patients' Bill of Rights is extend the kinds of protections that exist in Texas to everyone throughout the country, particularly those people who, as the gentleman says, are under ERISA right now, a majority of Americans, who do not even receive protections if they happen to be in Texas or another State which happens to have these good laws.

Mr. Speaker, I yield to the other gentleman from Texas (Mr. LAMPSON), who also has been in the forefront on this and other health care issues.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE). It has been interesting listening to the gentleman and also the gentleman from Texas (Mr. TURNER), my close neighbor from southeast Texas, talk about this most important issue and the concern we all have about bringing the Patients' Bill of Rights to the floor of the House of Representatives.

I think my colleague from Texas has been too modest. He did not talk about the fact that it was he who played a significant role in the development of that legislation in the Texas senate. It is a lot of his words that became the law in the State of Texas. For him then to be able to have the ability to come to the United States House of Representatives and try to craft the same kind of legislation that he was able to mold in our great State I think is significant. I am proud of him and his service, and I am proud of the fact that he had the concern of people then in his mind when he tried to fix the problems that we faced in the State of Texas and now has the ability to come here to the United States House of Representatives and try to do the same thing for all of citizens of our country because this is a most, most important concern for everyone in this country.

Mr. Speaker, we need to live up to the promises that we have made to the American people. Bring this truly bipartisan Patients' Bill of Rights that will put medical decision-making back into the hands of physicians and patients here to the floor of the House of Representatives and let us have this debate properly.

I know that we passed it overwhelmingly last year, and it got hung up in a conference committee where there was an intentional effort to appoint those people who had voted against the bill to guarantee that it would not move and it would not become the law of this land and that it would not help people, like a lady who was a friend of mine who was a schoolteacher in Needlewood, Texas, Regina Cowles. She contacted our office after she learned that she had been diagnosed with breast cancer. She found a treatment for that cancer that was growing in her body in Houston, but her insurance company said that that was one particular treatment that they did not recognize, and that they were not going to pay for it. If she wanted to have it, she had to do it on her own.

That was one of many stories that I had heard, and my office became involved, and other offices as well became involved; and several months went by, but ultimately Regina was able to get that treatment that she needed. But unfortunately, it was too little too late, and she died of that ailment.

I wondered then how many more people were going to have to die before we brought this issue to the people's House and resolved it; that we get our colleagues to realize that we are playing not with words on paper, but with people's lives. And to act on it. To change it, to make it right for me and you, everyone that is watching here.

Mr. Speaker, I guess it came home to me in two ways. One of them was one day that I spent, and the gentleman from Texas (Mr. TURNER) talked about the time doctors spend in trying to precertify patients based on what insurance companies will determine they are willing to pay to the doctor to make that treatment possible. I periodically do these programs called Worker for a Day, and one day I was working at a cardiologist's office in Texas, and the doctor had me spend some time with one of his aides in the office making telephone calls to insurance companies to precertify the patients that had come to his office for treatment. I was flabbergasted, to say the least. I spent a significant amount of time talking with people, and I intentionally asked what their background was; and oftentimes I was talking with people who had no medical training and they were making the decision as to whether Dr. de Leon would be able to treat the patients who walked into his office complaining about a particular problem.

It does not take very long to realize that is not the way that these decisions need to be made in this country. I do not want someone who has not been to medical school or some particular program that gave them some serious knowledge about medical care, health care, telling a doctor what is going to happen in my life if I need help. I want a qualified health care professional making the decisions that are going to allow me to live and to allow me to live the kind of quality life that I want to be able to live.

I quickly became involved in this piece of legislation following that. It was not long after that I had another incident occur. This time it happened within my own family. I had two different doctors tell my daughter that she was in need of an operation. My own insurance company, the one that represents us here in the House of Representatives, said no, that is cosmetic surgery, we are not going to pay for it. Two different doctors said it was important for her to have this operation.

Well, I did everything that I could possibly do to help my daughter, and she got her operation and she is fine and the insurance company relented. But it made me wonder, what if most people, as most people are in this country, not as aggressive as I am or was in the case of my own daughter and fought for a week or 10 days or whatever it took me before we got the agreement to go forward with that operation. How many of them will take the answers that they get the first or second or third time and put it off and say, well, that is the rule and I guess I will have to go and mortgage my home to make this happen because I want my daughter to have the chance that other people's daughters will have in growing up.

Those are not decisions that we need to be making in our lives. When someone works hard, does the right thing, provides for their families, makes sure that they have insurance coverage for catastrophic problems that face them, and then are turned down because someone decides that it is cosmetic or experimental or that it does not match their specific criteria that they laid down on their papers based on what profit they can make for their company, that is absolutely wrong and we cannot stand for it in the United States of America.

Managed care reform is an issue of the absolute, utmost importance. As more and more stories about HMOs denying care are publicized, it brings it to the forefront of what we need to do to pass this legislation. The public and health care providers have witnessed firsthand that while managed care organizations such as HMOs may have helped to hold down the cost of medical care, they too have frequently done so at the cost of denying needed care to patients.

Unfortunately, the Republican leadership continues to block consideration of the Ganske-Dingell-Norwood Patients' Bill of Rights that passed overwhelmingly, I think 275 votes last year. They continue to stall on a vote and have introduced their own bill, the Fletcher bill, that the gentleman from Texas (Mr. TURNER) and the gentleman from New Jersey (Mr. PALLONE) have talked about in an attempt to poison this Patients' Bill of Rights that we have been trying so hard to pass.

The assertion that they have crafted a responsible plan is simply untrue. Their plan prevents doctors from disclosing all medical options to patients. It creates a review process that is stacked against the patient, and it removes medical decision-making power from the hands of doctors and patients.

Mr. Speaker, I said a minute ago, 275 members of the House of Representatives voted for a Patients' Bill of Rights that would create a system of accountability for insurance companies and HMOs that routinely and unfairly deny care to patients. This year we again consider legislation that would hold HMOs liable for denial and delay of care. If insurers are going to practice medicine and determine the necessity of care, then they will be held accountable for their decisions.

I join my colleagues and I again want to praise the gentleman from Texas (Mr. TURNER) for the work that he did in Texas and the gentleman from New Jersey (Mr. PALLONE) for continuously bringing this important issue before us.

I urge my Republican colleagues and President Bush both to quit stalling and do what Americans want and need, pass and sign a meaningful patient protection bill that puts control of medical decisions back into the hands of patients and doctors. I thank the gentleman for allowing me to participate this evening.

□ 2200

Mr. PALLONE. I want to thank my colleague, because I think, number one, when you give examples and particularly one from your own personal life, it really highlights and makes people understand, both our colleagues and the public, what we are talking about and how significant it is to pass a Patients' Bill of Rights.

The other thing that my colleague from Texas did which I think is very important is that he pointed out some of the patient protections that are in the real Patients' Bill of Rights, the Dingell-Norwood-Ganske bill, and why they do make a difference. One of the concerns that I have is that, as I mentioned earlier, one of the possible amendments that we may get or that the Republican leadership may make in order and try to push if this bill comes up on Thursday is replacing the patient protections in the Dingell-Norwood-Ganske, the bipartisan bill, with the patient protections in the Fletcher bill, in the Republican leadership bill. I assure my colleagues that effectively there are no significant protections in the Fletcher bill.

If I could just contrast that a little bit to give us an idea of the differences, some of those differences were mentioned by the gentleman from Texas. He talked about the gag rule and how under the Fletcher bill HMOs could continue to tell physicians that they are not entitled to tell their patients about procedures or medical activity or medical equipment or stay in a hospital or any kind of medical procedure that the HMO does not plan to cover. It is called the gag rule because you never find out what the doctor really thinks you should have done to you because he is not allowed to tell you if the HMO says he is not allowed to.

The other one that comes to mind is the financial incentives. Right now a lot of the HMOs have financial incentives so that if the HMO wants to give the physician a little more money because he is not providing as much care or not having as many operations or not having his patients stay in the hospital for too long, they can provide a financial incentive to him at the end of the month so he gets more money if those things occur, which is an awful thing; but it is the reality with many of the plans today.

The other thing that I think was so important is when the gentleman from Texas (Mr. LAMPSON) talked about how some of these things work out in terms of actual protections for particular kinds of procedures. For example, one of the concerns is that access to specialty care is severely limited both under current law and can be limited by the HMO under the Fletcher bill. The Fletcher bill really does not do much to provide access to specialty care. That can manifest itself in a number of ways. For example, with regard to some of the patient protections for women. In the real Patients' Bill of Rights, the Dingell-Norwood-Ganske bill, you get direct access to OB-GYN care. But the Fletcher bill allows plans or HMOs to require prior authorization for items of services beyond an annual prenatal or perinatal exam.

The Fletcher bill also creates a loophole which allows plans to avoid the requirement of saying that you can go directly to the OB-GYN. It lets the HMOs off the hook for providing direct access to OB-GYN care if they merely allow patients a choice of primary care providers that includes at least one OB-GYN provider.

There are a lot of other differences with regard to care that impacts women. Breast cancer treatment, for example; the hospital length of stay. The Dingell-Norwood-Ganske bill requires coverage for the length of the hospital stay the provider and patient deem appropriate for mastectomies and lymph node dissections for the treatment of breast cancer. The Fletcher bill omits this coverage as well as coverage for second opinions.

Emergency care, another example that affects not only women but anyone. The Fletcher bill uses a prudent health professional standard rather than the prudent layperson for neonatal emergency care. Let me give Members an example. Right now, as many people in HMOs know, they often cannot go to the emergency room of the hospital closest to them but rather may have to travel 50, 60 miles away to

a different hospital. What we are saying is that in the case of an emergency, if the average person would think that they cannot travel that distance and they have to go to the local hospital because otherwise, for example, if they have chest pain and they think that they are having a heart attack, well, that is the prudent layperson's standard, which basically says that if the average person would think that if I get chest pains of this severity that I have got to go to the local hospital rather than 50 miles away, then I go to the local hospital and the HMO has to pay for it. You do not have that kind of standard in the Fletcher bill with regard to neonatal emergency care.

There are so many other cases. Clinical trials. An astonishing number of women suffer from Alzheimer's, Parkinson's, cystic fibrosis and other debilitating disorders. Under the Dingell-Ganske-Norwood bill, it covers all FDA clinical trials. But the Fletcher bill, the Republican leadership bill, only covers FDA cancer trials, preventing women with other serious conditions from receiving potentially lifesaving care. There are so many examples like this. The bottom line is the Fletcher bill makes it very difficult to access specialty care.

We used another example the other night on the floor about pediatricians. Under the Dingell-Norwood-Ganske bill, you have direct access to a pediatrician for your child. You do not have to have prior authorization. But you also have the opportunity to go to a pediatric specialist which now, I have three children, and now you often go to a pediatric specialist rather than a pediatrician, who is almost like a general practitioner. What happens under the Fletcher bill is you do not have that option. So a lot of these specialty-care initiatives which are a very important part of the patient protections simply do not exist under the Republican leadership alternative.

As I said, what we are hearing is that it is very likely that the Committee on Rules tonight will allow all these different provisions in the Fletcher bill that weaken patient protections to be included as amendments and voted on in an effort to try to achieve a bill that is a lot weaker than the real Patients' Bill of Rights. I could go on, but I see that another colleague from Texas is here and she again has been here many nights talking about the Patients' Bill of Rights and has been a champion on the issue. I yield to her at this time.

Ms. JACKSON-LEE of Texas. I thank the gentleman. I could not help, as I was viewing the presentation on this debate, to remember that we were together just last week, I believe, making the point that the debate on this bill is long overdue. The reasons for this bill, the purpose of going forward is so clear that I question whether or not the will of the American people really is being understood by this body. I think when the American people are frustrated, it is because they have made in every way their voices or their beliefs known to us about the fairness in health care as the Ganske-Dingell bill evidences, and they just do not know why we cannot get it done.

We understand that this bill is likely to come to the floor of the House at the end of the week. I hope so. As you noted, I am delighted to join my colleagues from Texas who have obviously already spoken about how this bill has worked and how it has been effective in the State of Texas. First of all, there has been no increase in premiums and the increase in premiums nationwide generated without a Patients' Bill of Rights. We have not seen an increase in the uninsured which the opponents of the bill have represented would occur. We have not seen a proliferation of frivolous lawsuits. We have not even seen a proliferation of lawsuits under this legislation. It comes to mind that there have been maybe about 27, all meritorious, over the 4 years that the State of Texas has had the opportunity to hold HMOs accountable.

So the real question for the House leadership is why. Why, since this bill in its present form, with a few enhancements, meaning the Ganske-Dingell bill, passed two terms ago, why can this not be the bill that we all conclude is the right direction to go? What is the purpose of putting forward a bill with the idea that it represents an alternative when that is not accurate? Because the Fletcher bill has a number of poison pills. It has medical savings accounts. Not to say those are not meritorious legislative initiatives that this body should not address, but what the American people want most of all now is that when they do have an HMO, which most of the employers are involved in and utilize to create coverage for their employees, that that HMO does not intervene, intercede and stop good health care and procedures for you or your loved one. How clear can we get?

I, when we spoke the last time, noted a lot of tragic stories: the woman in Hawaii who could not get care in Hawaii while she was there because her HMO denied it. She had to get on a plane to Chicago, and my recollection of that final result is that she did not survive, because they denied her the ability to secure health care in Hawaii, because she was not from Hawaii. The tragedy of being denied the most accessible emergency room; the tragedy of being denied pediatric specialists; the unseemly result of not allowing a woman to choose an OB-GYN specialist as her primary caregiver. That is allowed in the Ganske-Dingell bill.

There are so many positives that the American people have decided that they need and want that are in the bill that we are proposing and supporting, the real Patients' Bill of Rights, along with the array of diverse medical groups that are supporting it, including, I think, one of the strongest medical groups, of course, is the American Medical Association, that has not moved from its position that this is the only bill that they will support and that we should support, and, that is, to ensure the sanctity, if you will, of the patient-physician relationship.

I would like to thank my good friend for his leadership, and I could not help but join you in hoping that someone might hear us this evening. And, of course, sometimes our words are distant. They fall distant because we are here in Washington. But I can tell you in the conversations that I have had with my constituents who are physicians, the difficulty that they have had in plainly giving good health care, in making the decisions on good medicine, the stories that they have generated, the frustration that they have experienced, the fact that HMOs are able by bureaucrats and computers to deny services to patients is a difficult and overwhelming experience and has changed the practice of medicine to the point of making it distasteful, because our friends who are doctors are there to heal and to help. And lo and behold in the middle of that healing comes a red stop sign that says that there is no more medicine at this door, no more treatment for this patient, no more experimental opportunities to make that patient improve. I think enough is enough.

I would hope that my friends in this House would take heed of the voices of the American people, physicians everywhere, employers everywhere who desire that the HMO coverage that they have for their employees is the best; and might I say we of course have fixed that aspect of concern dealing with employers, and we are ready to move forward. I would hope that they would listen to us on that very issue.

I would note as I close just simply, I brought it up the last time, is the disparity in health care in many of our rural and urban areas and in many of our minority communities. We hear many times some of the higher statistics are certain diseases in one community versus another. Then it makes it very difficult if a bureaucrat tells a physician who treats a particular ethnic group that has a high percentage of a certain disease that you must care for them in one certain way, sort of the boxcar way as opposed to responding to the disparate needs of Americans in their different environmental backgrounds. That will be prevented if we do not pass the Dingell bill and pass the so-called alternative. I thank the gentleman for giving me this time.

Mr. PALLONE. I want to thank the gentlewoman for coming down again tonight as she has so many other times to express her opinion on the Patients'

Bill of Rights. I know it is tough for us because we keep hearing that this bill is going to come up. We are hearing again that it is going to come up this Thursday.

□ 2215

I guess we are at the point we will not believe it until it actually occurs. The gentlewoman mentioned a few points that I have to bring up, because we did not include them as part of the debate tonight, and I think they are very important.

One is the number of health professional groups that support the real Patients' Bill of Rights, the Dingell-Norwood-Ganske bill. The gentlewoman mentioned the American Medical Association, the Nurses Association, all the specialty doctors groups. I think there are something like 700 different groups, all the major health care professional groups.

The bottom line is it is because they are very concerned about the fact they cannot provide care now with the way some of the HMOs operate, and they want the freedom and sort of the ability, we call it the American way, to be able to provide the best care that they think is necessary for their patients.

The other thing that the gentlewoman mentioned, which I think is so important, is, again, the Texas experience; the fact that even though President, then Governor, Bush complained at the time when this legislation was being considered in the Texas legislature that it was going to increase costs for health insurance and was going to cause all this litigation. None of that turned out to be true.

The gentleman from Texas (Mr. TURNER) mentioned earlier that the increased costs for health insurance in Texas is half of the national average. The gentlewoman mentioned approximately 20 or so lawsuits that have been brought in 4 years, which is nothing. What is that, that is like five per year. Because basically what happens is now people have the ability to go to an external independent review to overturn the HMO if they did the wrong thing. We have had almost 1,500 cases of that, and they are handled easily and that is the end of it.

The other thing the gentlewoman mentioned, which I think is so important, I said earlier this evening that my fear is the Committee on Rules, when they meet later this evening, I think they are supposed to go in at midnight, which says a lot about the procedure around here with the Republican leadership, that they may put in order some of these poison pills from the Fletcher bill.

I mentioned earlier in Congress Daily they said likely amendments include a so-called access package, a proposal seeking to expand insurance through broader access to medical savings accounts and creation of association health plans. Further, it says in Congress Daily, it is possible there will be an amendment to impose caps on medical malpractice awards.

Now, I do not happen to like the medical savings accounts. I think they are sort of a ruse. But whether or not you approve of MSAs or approve of caps on malpractice or approve of these association health plans, the bottom line is there is no reason why these need to be included in this legislation. We know that the majority of the House supports the Patients' Bill of Rights, and they support it because of the patient protections. We do not need to deal with these other much more controversial issues like malpractice and medical savings accounts in the context of this bill.

The only reason the Fletcher bill includes some of those things and the only reason why those parts of the Fletcher bill would be considered under the procedure is because the Republican leadership wants to throw them in, mess this whole thing up, and create a situation where it goes to conference, like it did last time, between the House and Senate, and nothing happens because there is too much controversy over all these other things that are unrelated. That is what I am fearful of, to be honest.

I know we do not have a lot of time left here tonight, but I would, again, appeal to the Republican leadership: All we are asking for is to bring this bill up and allow us a clean vote on the real Patients' Bill of Rights. You can have all the other votes you want, but let us have a clean vote on this bill.

I am confident that if that happens, this bill will pass, because I know that almost every Democrat will vote for it, and that there are probably a significant number of Republicans that will as well.

But I am fearful, honestly, that we are not going to have that opportunity, because we do not control the process. The Republican leadership controls the process. They are particularly mad right now. As the gentlewoman knows, their wrath is against some of the Republicans that are willing to join us and support the real Patients' Bill of Rights, they are being criticized, hauled down to the White House and being told you are not a real Republican. This is not about who is a real Republican or who is a real Democrat, this is about who is a real American and who is going to stand up for the people that need help.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much. As the gentleman was speaking, I was thinking of one point I wanted to add. You have heard those of us from Texas speak about the Texas law, and we are very proud that bill passed out of the State legislature, the House and the Senate. Of course, the gentleman realizes the bill was not signed by the President, it was simply allowed by our laws in the State of Texas to go into law because there was no action. However, I think the evidence of its success should be very evident for our President, and he would see that we could live with accountability and in fact not have a disastrous situation.

But I do want to note for those who are thinking, well, you have it in the State of Texas, but in many states that do have some form of an HMO accountability plan, it does not cover everyone. So the reason why it is important for this to be passed at a Federal level is that when you pass it at a Federal level, all states must be in compliance. The Patients' Bill of Rights then becomes the law of the land, and whatever your HMO is, you have the opportunity, whether you are in Iowa, in New Jersey, California, New York or Texas, that you have the opportunity to ensure that there is accountability for the HMO.

I think that is very important, because the question has been raised, well, a number of states already have done it, why do you have to do it? Because you have states that have done it, but do not have full coverage, and you have states that have not done it and, therefore, it is important for Federal law for us to act.

Mr. PALLONE. I agree. Reclaiming my time, the bottom line is that even in the states that have strong patient protections, like Texas, a significant amount of people, sometimes the majority, are not covered by those protections, because of the Federal preemption.

I would say right now there are only about 10 states that have protections as strong as Texas, my own being one of them. But the other 40, some have no protections, some have much weaker laws. So this notion that somehow everybody out there is already getting some kind of help is not really accurate for most Americans. That is why we really need this bill.

I think we only have a couple of minutes, so if I could conclude and thank the gentlewoman and my other colleagues from Texas for joining us tonight in saying that we are going to be watching. We will be here again demanding that we have a vote on the real Patients' Bill of Rights. Let us hope we have it on Thursday. But, if we do not, we will continue to demand that the Republican leadership allow a vote.

MISSILE DEFENSE

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

Mr. MCINNIS. Mr. Speaker, I know it is late in the evening, but this evening I wanted to visit with you about an

issue that I think is inherently important to every citizen of America, and not just the citizens of America, but to the world as a whole, to every country in this world as we go into the future. Tonight I want to speak to you about a subject that I think we have an obligation to use some vision about, to think about future generations, and what this generation needs to do not just to protect our generation, but to protect future generations, to give future generations the type of security that as American citizens they deserve, that as American citizens they can expect their elected officials, they can obligate their elected officials to provide for them. Tonight I want to visit about missile defense.

Now, we have heard a lot of rhetoric in the last few days about missile defense. Well, we do not need it. It is going to escalate the arms race. Why, building a defense to protect your country and to protect your citizens from an incoming missile is not something we should undertake. In fact, the recommendation seems to be, leave our citizens without a shield of protection.

I take just exactly the opposite. I think every one of us have an obligation to protect our citizens with a shield that will mean something, not simple rhetoric.

I have to my left here a poster, and tonight I am going to go through a series of posters. If you will pay close attention, I think you will find that these posters advocate a strong case of why this country, without hesitation, should move forward immediately to engage in a missile defense system, to put into working order with other countries some kind of an understanding that the United States of America feels it has an inherent obligation to protect its citizens with some kind of shield.

Let me go over a couple of points here. First of all, to my left, I call this poster ''probability of events.'' When you look at it, you see my first box, my first yellow box is called intentional launch. There I am referring to an intentional launch of a missile against the United States of America. I call this a probability.

I have the next box called accidental launch. I call this a probability. At some point in the future, against the United States of America, some country, unknown to us today as far as which country will do it, but the facts are that some country will attempt to launch a missile against the United States of America. That is why it is our obligation as elected officials representing the people of America, who swear under our Constitution to protect the Constitution, which within its borders obligates us to provide security for the citizens of the United States, that is why it will be our responsibility to begin to provide that security blanket for the American people and for our allies, that when this intentional missile launch comes, we will be prepared/:

The second thing I speak about is an accidental launch. Do not be mistaken. We know the most sophisticated, most well-designed aircraft in the world, take a civilian plane, a 747, once in awhile they crash. Take the most sophisticated, the finest invention you can think of, whether it is a telephone, whether it is a radio, whether it is a computer, whether it is an electrical system; there are accidents. In fact, I am not so sure that we have had much of any invention that at some point or another does not have an accident.

It is probable that at some point in the future some country, by mistake, will launch a missile towards the United States of America. And, right now, as you know, an accidental launch against us, number one, we would not know whether it was accidental or not, and, two, the only defense we have today, the only defense we have today against an accidental launch, is retaliation. And what is retaliation going to bring? Because of an event, a horrible consequence of a missile launched against us by accident, by accident, our retaliation could initiate the Third World War, the most devastating disaster to occur in the history of the world.

Yet we can avoid this, because if we have a missile defensive system in place and a country launches a missile against the United States by accident, or intentionally, but here we are referring to the accidental launch, the United States of America can shoot that missile down and they can stop that war from occurring.

There are plenty of other less severe, significantly less severe measures, we can take against a country that accidentally launches against us. Retaliation is not one of them that we should take, but retaliation is the only tool left today. I can assure you that the President of the United States, whatever party they belong to, if some country by accident launches a nuclear missile into Los Angeles or New York City or into the core of this country, into the middle of Colorado, where my district is located, the likelihood is that the President would retaliate forthwith.

Now, I had an interesting thing happen to me this evening while I was waiting speak, listening to my colleagues. I was outside talking to a couple of officers, Officer Conrad Smith and Officer Wendell Summers. Good chaps. I was out there visiting with them, and they brought up an interesting point.

They said, ''What are you going to speak about tonight, Congressman?''

I said, ''I am going to speak about missile defense, like an intentional launch against our country, or an accidental launch against our country.''

Do you know what Officer Smith said? I did not think about it, but it is so obvious. Officer Smith said to me, ''Do you know what else we could use a missile defense system for? It is space junk. Like, for example, Congressman, if a space station or like the Mir Space Capsule is reentering the United States, we could use our missile defense to destroy that in the air, so that it doesn't land on some country or kill some people when it reenters from space.''

I never thought about that. Now, there is a logical use for a missile defense system; dealing with space junk. As we know, space junk falling out of space as it begins to lose momentum in its orbit is an issue that future generations are going to have to deal with on a fairly extensive basis.

□ 2230

Our generation has gotten away with it because we are launching into space, and by the time our generation moves on, there will be lots of objects in space that have lost their momentum and begin the reentry. Officer Summers and Officer Smith had something to add tonight, and I think they are right, and I can assure my colleagues that I am going to put that right here. We will see a new yellow box on my next poster in regards to missile defense.

Now, what kind of responses do we have? My poster lists the responses. Look, it is real simple. It is not complicated. The responses are: one, we have a defense; or two, no defense. That is the choice. It is as clear as black and white. That is the choice. We either defend against a missile, incoming missile to the United States, or we do not defend against it. There is no muddy waters, there is no middle ground. We either defend against it or we do not defend against it.

Where are we today? Where is the most sophisticated, the most technically advanced country in the history of the world today? We are today check-marked the second box. No defense. What do I mean by that?

We have a military base, we share it with the Canadians, called NORAD, located in Colorado Springs, Colorado, the district of my good friend, the gentleman from Colorado (Mr. HEFLEY) in Cheyenne Mountain, the granite mountain. We went into the mountain, we cored out the center of the mountain, and we put in there an airspace system for detection.

What does that system provide for us? Very simple. It can tell us anywhere in the world at any time of the day, with any kind of weather conditions, under any kind of temperature when a missile has been launched. It can tell us the approximate speed of the missile. It can tell us the target of the missile. It can tell us the estimated time of impact of the missile. It can tell us what type of missile they think

it is. It can tell us whether or not, based on the information that they have gathered, whether the missile has the likelihood of a nuclear warhead on top of it. But then, guess what? That is it. That is it.

They can call up the President of the United States, and they say, Mr. President, we have an emergency at NORAD. Mr. President, we have an incoming missile. We believe the target of impact is Los Angeles, California. Mr. President, we think that the time of impact is 15 minutes and counting. Mr. President, we think this is a realistic threat; our confidence factor is high. We have confirmed an incoming missile. The President thinks, what can we do? Of course, the President knows what we can do, but just for this example, what can we do, Mr. President? The President says, What can we do? to his military commanders, to our space command. Mr. President, you can contact the mayor of Los Angeles, tell them they have an incoming missile, they now have 13 minutes, we will say prayers for them, and that is it.

Now, you tell me that is not a dereliction of duty of every one of us elected in these Chambers. Every one of us in these Chambers, we have the technical capability to put in place a missile defensive system in this country. We have that technical capability, and we have a commitment from this President, who has been very solid on his support and on his leadership. Thank goodness he has stepped forward. President George W. Bush has stepped forward to lead us into a missile defense.

We had a test 3 weeks ago. It was a remarkable test. It shows that we are well on our way towards coming up with the technology that is necessary to deploy a missile defensive system for our country. What happened? They put a target, an incoming missile into the sky. It was approaching at 4½ miles per second; 4½ miles per second. That fast, 4½ miles. We then fired an intercept missile. Now, remember, these two missiles cannot miss by a foot; they cannot miss by six inches. These missiles have to hit head-on. We cannot afford a missile miss with an incoming nuclear warhead.

What happened? Our intercept missile coming at 4½ miles per second, the incoming missile at 4½ miles per second, and we brought two speeding bullets together. That is a major accomplishment.

Do we know what is happening around the world? We have heard a lot of publicity lately. The Europeans, for example, Europe is aghast that the United States would even think of abrogating the ABM Treaty, which I will discuss in detail here in a moment. Why would they think about building a missile defense system?

Well, let me, first of all, make it very clear to my colleagues that when we hear people make an objection to our missile defense system and we hear them say, the Europeans are opposed and it is going to break our relationships with the Europeans, let me tell my colleagues something: the Europeans are not unified in their opposition to our missile defense; they are not unified in their opposition to a missile defensive system.

In fact, the leader of Italy has come out and not only strongly supports, but encourages, the United States of America to, as quickly as possible, deploy a missile defensive system. Our good friends, the United Kingdom, the British, who are always at our side, have come forward. They support this President on building a missile defense system. Spain. Spain has taken a very careful look at the missile defense system.

Do we know what is going to happen? Count on it. Count on it. Just as sure as I am telling my colleagues today, we can count on it. Those European countries, one by one, will have to answer to their citizens why they do not have some type of protective shield, some kind of security blanket like the United States offers for its citizens and, one by one, those European countries will come across the line from opposing and from being a check mark in this box to my left of ''no defense,'' one by one, led by Italy and the United Kingdom and Spain right behind them, one by one, they will cross that territorial line and they will go into the defensive category. They will build, or will be the beneficiary of, a defensive missile system.

Let us talk for a few moments about the new strategic study. We have right now really a three-pronged attack threat against the United States of America. The first one is something that has just come of age here in the last few years called informational warfare. We have all heard about it, I think. In the last few days, we received an alert about a Code Red, some kind of virus that has been put into the computer systems around the world, specifically targeted at the American defense system. It is amazing to hear from the Pentagon how many people, how many people try and break into our national defense computers 24 hours a day.

Now, how many of those culprits are foreign countries or agents of foreign countries? We do not know. And we are not going to be able to figure that out. What we have to do is just the same as we do for our computers. On our computers, we do not put our defense computers out there and say we are not going to build a shield against people who are trying to break into the computer system or put a bug in our system. Do we know what we do with our national computer systems, our defense computer systems, our military computer systems? We build a defense for the bug. We put in shields within our computer programming. We put in walls wherever we can. Those are the technical things; we put in walls to prevent those people from coming in.

Why would we not do the same? What is the difference between an incoming missile and somebody trying to manipulate one of our computers, perhaps manipulate a computer to issue a false order regarding a military exercise, for example. So we have to worry about information warfare. We are addressing that as we speak right now. Obviously it is a priority of the military: How do we protect our communication systems? How do we protect our information systems? How do we protect our software?

The second threat is a terrorist threat. This is a tough one. Now, do not let people say, well, missiles are not the real threat to this country, the real threat is somebody carries a vial of bacteria and they come to Washington, D.C. and drop it into the water supply. Well, of course it is a threat, but do not discount the third threat, and that is a missile-delivered attack right here, weapons of mass destruction, WMD. The delivery of a weapon of mass destruction attack, a biological weapon, a nuclear weapon, some other type of poisonous weapon.

Some states are developing terrorist and missile capabilities. We know that is happening. I know on here: U.S. reserves the right to strike terrorist bases. We know this. We have to reserve that right. But my point with this poster is we really had that three-pronged attack, information attack, attack on our information systems, and we are building a defense for that. We have a defense in place. We constantly have to change that defense. Because every time we put up a wall, somebody tries to figure out how to get around it. It happens thousands of times every year. It happens around the clock with the Pentagon's computers. We know it is happening.

The second one, the terrorist threat, we are addressing that. We are building defenses against that. We were fortunate enough, for example, to catch a couple of years ago at the Canadian border through a lot of good luck, but nonetheless through a lot of good police work, we would be able to stop what could have been a horrible disaster at one of our airports. Of course, the missile delivered weapons of mass destruction. But what is happening?

I have some of my colleagues on this House Floor who, in my opinion, with all due respect are in make-believe land when they think that we should not build a defensive system for our citizens, to give our citizens protection in the future as soon as we can get it in place against an incoming missile, whether launched by accident, or whether it is intentional.

Now, let us talk about the big roadblocks that some people have been putting up as a reason not to have a missile defense. It is called the Antiballistic Missile Treaty, the ABM Treaty. Let us just go over some of the basics of it. Let me tell my colleagues the basic thought pattern of the Antiballistic Missile Treaty. First of all, understand that this treaty was made almost 30 years ago. It was a treaty not between the United States and a number of other countries; it was a treaty made between the only two countries in the entire world, in 1972, there were only two countries in the entire world that could deliver a missile anywhere in the world; only two. It was the Soviet Union and the United States of America.

So in 1972, the Soviet Union, which, by the way, no longer exists, and the United States of America entered into a treaty. The thinking was that since there are only two countries in the world, the way to protect ourselves is we will both agree that we cannot defend ourselves. Now, how does that make sense? The theory being, we would be reluctant as the United States to fire a missile against the Soviet Union if we were prohibited from defending a retaliatory attack against us. In other words, we knew that any attack we made on Russia would be retaliated on, because we were not allowed to build a defense. That is the thinking behind the Antiballistic Missile Treaty.

Now, I do not agree with it. I do not think the thinking was very solid in 1972, but it did have some justification in thought in 1972 because it was built entirely, and let me say this repeatedly: the Antiballistic Missile Treaty was built entirely on the premise that only two nations in the world had the capability to deliver a missile anywhere in the world. This treaty, the Antiballistic Missile Treaty, was not built on the premise that a number of countries in the world would have the capability to deliver a missile anywhere in the world, and that is the situation that we face today.

Mr. Speaker, we have had extraordinary circumstances which have changed in the last 30 years. Take a look at your car. Take a look at a car in 1972. There have been a lot of dramatic changes in 1972, and we should not be afraid since 1972 to stand up; in fact, I think we have a responsibility to stand up to the people that we represent. Today, the threat to America, the threat to the citizens of America is a whole lot different and a whole lot more serious than the threat to citizens in 1972. We have an obligation as elected officials to make sure that our country stays up to speed; that our citizens do not drive 1972 cars and our citizens do not rely on a 1972 defensive system or nonsystem to protect them.

Let us look at the treaty very quickly; again, the Antiballistic Missile Treaty. Each party agrees to undertake limited antiballistic missile, these are defensive missile systems, and to adopt other measures in accordance with the treaty. I am going to skip through here at this point.

The treaty, by the way, is not a complicated treaty. It is very easy to get your hands on, 3, 4, 5, 6 pages. It is not a treatise that is a big thick book like that, it simply is 4 or 5 or 6 pages. For the purposes of this treaty, it is a system, a defensive system, the ABM. Each party, and this is crucial language in the Antiballistic Missile Treaty: each party undertakes not to develop, test or deploy ABM defensive missile system, or components which are sea-based, air-based, space-based or mobile land-based.

□ 2245

Each party undertakes not to develop, test, or deploy ABM launchers for launching more than one ABM interceptor missile at a time from each launcher, et cetera, et cetera, et cetera.

What has happened? What is the rest of the treaty about? Let me bring up another part of the treaty.

Remember, this treaty was put together by scholars. This treaty contains within its four corners, within the four corners of the document, this treaty contains certain rights, certain rights bestowed upon the United States of America, certain rights bestowed upon the Soviet Union.

One of those rights which is being wholesalely ignored by the rhetoric of the people who are trying to convince the American people that they should not defend themselves in the case of a missile attack, one of the arguments they put forward is ridiculous, to say the least.

What is that argument? Their argument is, oh, my gosh, if you want to abrogate or pull out of, if you want to pull out of the antiballistic missile treaty, that means the United States would start violating treaties all over the place. That means the United States walked away from treaty obligations. That means the United States broke their word on a treaty that they are a signatory to.

That is so inaccurate it borders right on the edge of inaccuracy and an outright lie. The treaty contains within its four corners the right for the United States of America or the right for the Soviet Union to pull out of the treaty. That is a right. It is not a breach of the treaty. It is not described as a breach of the treaty. It is a right that is bestowed by the language, specifically bestowed by the language.

Let us take a look at the specific language that I am speaking of. It is important that we go through this. Please, look at my poster here, Article 15 of the antiballistic missile treaty: ''This treaty shall be of unlimited duration.''

Now, obviously I highlight this next section. This is the right of which I speak, which we can use. Any time we hear someone say we are breaking a treaty, we are not breaking any treaty. Someone who says we are walking away from a promise we made, that is baloney. This is the treaty right here. These are rights contained within it.

Let us go on.

Number two: ''Each party shall,'' ''shall, in exercising its national sovereignty have the right,'' the right, that is what I have been speaking about, ''to withdraw from this treaty if it decides that extraordinary events,'' and ''extraordinary events,'' that is a key buzz word, ''extraordinary events,'' and I am going to show some extraordinary events very shortly.

Let us go on: ''If it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests.'' That is another buzz word, ''jeopardized.''

Do we have in place, number one, extraordinary events, right here, extraordinary events; and do we have a jeopardizing of our national sovereignty? Then, ''It shall give notice of its decision to the other party 6 months prior to the withdrawal of the treaty. Such notice shall include a statement of the extraordinary events the notifying party regards as having jeopardized its supreme interests.''

Thank goodness, the President of the United States today, George W. Bush, understands that we cannot have this treaty and a missile defense at the same time. Thank goodness that the President of the United States, George W. Bush, understands that it is not a violation of the treaty to withdraw from the treaty; it is not a violation of the treaty to notify the other side that we will no longer, after a 6-month period of time, be held to the obligations of the treaty. Why? Because within the treaty it is a right for us to withdraw.

Fortunately, the people who drafted this treaty understood and had the foresight that future generations may have extraordinary events that jeopardize the sovereign nationality of their country, that threaten that sovereignty, and that it may be necessary as a basic right of this treaty to withdraw from the treaty.

Let us talk about what could jeopardize the United States of America and our sovereignty, and let us talk about what could be extraordinary events. Do Members know what, I have a poster that I think explains it. A picture, as they say, is much better than words. Take a look at this poster.

Let us talk about an extraordinary event. Remember back in history in 1972, there were two nations in the world, the Soviet Union and the United States of America, that had the capability to deliver a missile anywhere in

the world. No other country, no exception, no other country had the capability to deliver a missile anywhere else in the world.

Frankly, no one envisioned that for any reasonable period of time in the future that any other country in the world, that any other country in the world would obtain that capability. Can Members imagine anyone in 1972 imagining that in the scope of 30 years this would happen, this poster to my left?

This is an extraordinary event. Clearly, what this poster depicts jeopardizes the national sovereignty of the United States of America. Let us take a look, extraordinary events: no longer just Russia, no longer what used to be the Soviet Union. Every one of these points, every one of these arrows, see the arrows here on the map, and they are small, Mr. Speaker, but all of these arrows point to one thing. They point to North Korea, they point to Pakistan, they point to India, they point to Israel, they point to China.

All of those countries I just named, every one of those countries has the capability to deliver a nuclear missile, to fire a nuclear missile. That is nuclear.

Let us continue. In addition, Iraq, Iran, Libya, all have ballistic missile technology that can deliver a chemical or a biological weapon. In other words, it is extraordinary that now there are not two countries but there are any number of countries in the world that can launch a nuclear missile.

I am going to show a poster a little later on to show just exactly what North Korea could do to Alaska, for example. Members do not think, with this kind of threat facing the United States of America, we do not think that as Congressmen of the United States, that we do not have some type of inherent commitment or obligation or duty to provide our citizens with a protective shield. Of course we do. Failure to do that would be the grossest negligence in recent history of this country, in my opinion.

Let us move on.

Do Members want to talk about extraordinary events, a threat or something that jeopardizes the future of the United States of America? Do Members want to see it? It is right here. If Members can take a look at this poster, and after looking at it, walk away and with a straight face say to any one of our constituents that the United States of America should not deploy a missile defense system, then that Member has just performed great disfavor and has brought discredit, discredit to the vision that one is obligated to provide for future generations in this country.

Ballistic missile proliferation, countries that we know today are possessing ballistic missiles. Remember, in 1972, 30 years ago, there were two nations, the United States and the Soviet Union. The treaty that those two nations signed between each other said that we are the two, and the way to defend that this does not get out of hand between us, let us put this treaty into effect.

But when we put this treaty into effect, if we think that if extraordinary events occur, as a right of this treaty, a basic right of this treaty, that jeopardize the national sovereignty of either the Soviet Union or the United States of America, we could walk out of the treaty and withdraw from the treaty. It is not a breach of the treaty; it is a right of the treaty. Here we are. Take a look at it.

Ballistic missiles: Hungary, India, Iran, Iraq, Israel, China, Croatia, the Czech Republic, Egypt, France, North Korea, South Korea, Libya, Pakistan, Saudi Arabia, Russia, Ukraine, United Kingdom, Vietnam, Afghanistan, Argentina, Bulgaria. I think I mentioned Croatia. How much more proof do we need?

Where is the proof? Right here is the proof. We do not call this an extraordinary event? We do not think that this kind of map here, look at the blue. That is where there are ballistic missiles. Are Members telling me that this little area right here, the United States of America, that its elected officials, that its President, should not build a defensive system that protects it from an incoming missile from any one of these countries, either accidental or intentional?

How can Members even step forward with that kind of an argument? There is only one choice we have. The extraordinary events that have occurred in the last 30 years offer us only one choice. That choice is, we have no option other than to build a defensive security system for the citizens of the United States of America. Failure to do so would be dereliction of our duty and our oath, sitting here on the floor of the House of Representatives.

Let me just reemphasize another startling poster. Let me show something else, in case some of my colleagues so far have not been convinced that extraordinary events have occurred since 1972. If some of my colleagues are not convinced that we face the jeopardizing of our national security, of our national interests, take a look at this poster, just in case they need convincing.

Nuclear proliferation, here we are. Every red spot on this map has the capability of delivering a nuclear missile into the United States of America. Those are the ones we can confirm. We have high suspicion, I think probably verifiable, that we have countries who have that capability today.

They are Iran, maybe not the capability, but right on the edge; Iraq, right on the edge; North Korea, I think they possess the capability to hit the United States of America, first of all Alaska, and soon the coast of California; Libya.

Now add onto that back here Britain, nuclear missile capability; China; France; India; Israel; Pakistan; Russia; and the United States. There has been a proliferation, a proliferation of offensive nuclear weapons in this world. We as leaders have an obligation to step forward and provide for our citizens some type of defensive system.

I mentioned earlier about North Korea and the capability of North Korea. Let us look specifically at North Korea as an example. North Korea can currently reach Alaska with ballistic missiles. It will only be a matter of time before they can reach the continental United States.

What do we mean by ''a matter of time''? I mean a matter of months to maybe a few short years, if they do not already have the capability to launch a missile, a ballistic missile, against the continental United States. And remember, maybe not necessarily intentionally. For a little country like North Korea to intentionally launch a nuclear missile against the United States of America, talk about a suicidal thought, the United States would retaliate with a minimum amount of retaliation and wipe North Korea out.

So maybe North Korea would not fire intentionally a missile against the United States, but do Members think that North Korea has the type of fail-safe systems on their nuclear systems that we would feel comfortable with? I do not think they do.

So what if North Korea by accident, by accident hit the button and launched a missile against the United States of America? Do Members think we should be prepared for that kind of consequence? Do Members think that it is responsibility that demands that we have that kind of preparedness? Of course it is. Look what happens.

Look at this right here. Look at the range. First they were here, then they got out to 1,500 kilometers, then out to 4,000 kilometers; and now look where they are, 6,000 kilometers.

Let me ask the Members, how much more clear can a threat be? Again, for those who are not convinced that any country would ever launch intentionally against the United States, first of all, with due respect, I think they are being naive. But if in fact they truly believe that, how many can assure their constituents, can assure the American public or our allies or our friends that an accidental launch will never occur against the United States of America? They cannot do it, and they know they cannot do it.

Let us for a moment assume the unassumable, the worst kind of scenario we can imagine next to an intentional launch. Let us assume that a nation that has the capability of hitting the core, hitting the middle of the United States or even the eastern border; let us take Philadelphia, for example. It fires a nuclear missile by accident against the United States, and the

incoming missile will impact in Philadelphia. Let us say it is not a particularly big missile. It has two warheads on it.

As many know, nuclear missiles have multiple warheads on them. One of our submarines, a Trident submarine in the United States naval force, can deliver, what, 195 missiles because of the multiple missile warheads that we have?

Let us just say that just two of those, a small missile with two warheads on it, was fired accidentally against the city of Philadelphia.

□ 2300

What do we have? Take a look at this poster right to my left. I will tell my colleagues exactly what we have. We will have 410,000 people dead, 410,000 people dead in an accident that was preventable. Dead in an accident because we on the House floor, we in the Senate have neglected to give our President, in my opinion, the necessary support that he is demanding to protect the United States of America with a missile shield, a shield of protection. We have that obligation.

President Bush and the Vice President, Mr. CHENEY, are practically begging us to give them support; not fight them. This is not a partisan issue. Now, some people are trying, as usual, to say that anybody that wants a missile defense system are war mongers. But the fact is this is about as strong a nonpartisan issue as exists in the United States House of Representatives today. This is not an issue of the Republicans protecting the United States of America with some kind of protection shield and the Democrats refusing to protect the United States of America. This is an issue that crosses party lines. This is a responsibility placed squarely on the shoulders of every one us sitting in this room.

For those of my colleagues who are refusing to carry the weight that has been placed on their shoulders, defending this country, I just want to say, shame on you. Now, why do I say shame on you? Because someday, someday that is going to happen. Those fortunate to be a survivor had darn well better be able to look in the mirror and say, I did what I could for the citizens of America to protect them from exactly what is depicted on this poster to my left.

Now, how does a missile defense system work? I want to show how we can do it. Technologically, this is going to be done. Technologically, future generations are going to have the capability to do exactly what I am saying needs to be done, and that is to provide a system in this country for defense. How does it work? Let us take a look.

Space-based. We know we are going to have a space-based unit. Why? Because a space-based unit, or that staging of our missile defensive system, allows us to do a couple of things. One, satellites we can move. Satellites are not stationary. For example, if we see a threat arising in Pakistan or we see a threat arising in North Korea, we can move our satellite so that satellite is over that country, so that the laser beam that would come out of that satellite, and we have that technology, the laser beam that can come out of that satellite can be shifted around. It is a mobile defense.

What is the other big advantage of having a mobile defense? The other big advantage is we can stop that missile on its launching pad. How many of these countries would want to have a missile preparing to fire against the United States only to face the threat that the United States could fire an instantaneous laser beam and destroy the missile on its pad, meaning that that missile would go off in their country instead of its intended target, the United States of America. That is why we have to have a space-based ingredient in this missile defense system.

The second point. Sea-based. We have to have the capability to hit that missile, if the missile is successfully launched either intentionally or by accident off its launching pad, and we are not able to stop it on the launching pad as it heads over the ocean, we need to have the capability from a ship-based defensive system to take that missile down while it is over the ocean.

Now, we will have wind currents and things like that, but the minimal amount of casualties will occur if we can somehow bring that missile down even without exploding it or detonating it. If we could hit it with some type of laser or some type of device to bring it down without detonation. And if we can do that, we need to do it somewhere over the ocean where, obviously, we do not have a heavy population.

But let us say it goes beyond that. Air-based. Here is a good demonstration. Here is our laser-based satellite. Here is the incoming missile. Now, remember, this entire period of time may take, at a maximum, probably 30 minutes to go from a far point to the United States. We also need an airborne laser so that if we miss it on our satellite laser, if we miss it on our sea-based laser, we still have the capability from aircraft to fire a laser rendering that incoming missile incapable.

And then finally, over here on the end, we have our command and control. We have an interceptor missile. That is the type of missile I was talking about earlier where we had a successful test 3 weeks ago. Now, some people, and I do not understand their argument, but some people are saying, look, if we have a failure, if the test does not work, we should abandon a missile defense system.

Give me a break. Give me a break. How many times did we have to try surgery or try the new invention of a machine, how many times did the Wright brothers and others have to get in those airplanes and figure out accident after accident after accident, test after test after test how to improve it, how to make it work? That is exactly what we have here. Not all our tests are going to be successful. We know that. And we need to admit it up front. Last week we had a successful test. We are going to have more success in the future. And eventually, and I mean in short order, I think in a matter of years with the leadership of our President and the support of this Congress, and the support of future Congresses, through testing and through dedication and through resources and research, we will have fulfilled our duty by developing, from a technological point of view, a missile defense system.

So let me review what I think are a few very, very important points. Let us start out with a premise. We have an anti-ballistic missile treaty that is called the ABM Treaty. That treaty was executed in 1972. It was negotiated in the late 1960s and the early 1970s, and, again, executed in 1972. Now, at that point in time two countries in the world, two countries in the world, the Soviet Union and the United States of America, were the only countries that had the capability to deliver a missile anywhere they wanted in the world.

At that point in time, not China, not North Korea, not South Korea, not India, not Pakistan, not Argentina, not Israel, none of these countries were thought to have at any time in the near future the capability to fire a missile, a nuclear missile, anywhere in the world.

But let me step back just for a moment. The vision of the people who negotiated this treaty on both sides of the treaty was that there could be extraordinary circumstances, for example, other countries having the capability to deliver missiles; for example, many other countries developing nuclear capability; for example, the acts of terrorism that we have seen in these last few years. Those are extraordinary events. And the drafters of this treaty understood, and though I do not agree with the premise under which they drafted this treaty, they understood there might be extraordinary events that threatened the national sovereignty of a country. And if that occurred, it should be a fundamental right, a basic right contained within the four corners of that treaty, that allowed a country, a United States or a Soviet Union, to withdraw from the treaty.

And that is exactly where we are today. We have no choice, in my opinion, but to withdraw from this treaty, and we have no choice but to offer protection to the American people.

What has happened in these 30 years? We know, from my earlier graph that I showed, that nuclear proliferation now

exists throughout the world. We know that the probability of a missile attack against the United States, either intentionally or accidentally, is going to occur at some point. In fact, every day that goes by gives us 1 more day to make sure that when that missile attack occurs or when that accidental launch occurs, we are prepared to defend against it.

Now, if we fail, for example, and the worst failure or the worst scenario I can imagine is some country, because they do not have the fail-safe mechanism that our country has, accidentally launches against the United States. Under those circumstances, right now our only response really is to do nothing, which no President is going to do when you lose hundreds of thousands of people, or to retaliate.

□ 2310

Mr. Speaker, no President is going to go without retaliation. So if anything, you want to have a missile defense system in place so that an accidental launch does not start World War III. So if someone launches against the United States, or if somebody launches against an ally of the United States of America, or let us take it further, let us say some country accidentally launches against an enemy country, let us say someone launches against North Korea, the United States of America, our vision will allow our country to have the capability. We find out from our command center that India has by accident just launched a missile against North Korea; we should have the capability to stop that missile so it does not even hit a country like North Korea throughout the world which can prevent a horrible disaster from occurring, only if, however, my colleagues on this House floor support the President of the United States in demanding that this country forthwith deploy a missile defense system on behalf of the citizens of the United States of America.

That is an accidental launch. Let us talk about an intentional launch. Do you think you will continue to see in the future a proliferation of missiles if the people building the missiles know there is a system in the country that will stop their missiles on the launching pad? That there is a system that the United States of America possesses that will not only stop an incoming missile from hitting the United States or an ally, but is so technically advanced that they can destroy their missile on their launching pad? How many more missiles do you think they will build?

The vision that I have for the future, for my children's generation, for my grandchildren's generation is that they will look back at us and say, missiles were those useless things back then. Nobody has any use for a missile today because anytime a missile goes off, it is stopped instantaneously. That is the goal.

We should not stand by some treaty that says the way to stop proliferation of missiles in the future is not to defend against them. Give me a break. That is like saying the way to stop the spread of cancer is not to take any chemotherapy. Do not offer chemotherapy as a threat, and maybe then people will stop smoking. That does not make any sense. It is the same thing here. It does not make any sense at all to the way, the theory to stop missile proliferation is not to defend against it.

By the way, there are only two countries in the world subject to the antiballistic missile treaty. India is not subject to it. North Korea is not subject to. China is not, Pakistan is not, Israel is not subject to it. Only two countries: the United States of America and the old Soviet Union. The day has arrived, colleagues. The responsibility has arrived. The duty has arrived. We owe it to the people of America. We owe it to the people of the world to build a missile defense system. We have the technology, or we will secure the technology within the no-too-distant future.

I cannot look at any of you more seriously than I look at you this evening to say that your failure to help this Nation build a missile defense system for its citizens and for the people of the world is a gross dereliction of duty and responsibility bestowed upon you when you took the oath to serve in the United States Congress.

PRESIDENT'S ENERGY POLICY IS HUGE MISSED OPPORTUNITY

The SPEAKER pro tempore (Mr. KELLER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. INSLEE) is recognized to address the House not beyond midnight.

Mr. INSLEE. Mr. Speaker, I do not normally participate in Special Orders, especially at this time of night; but there is something that the House is going to consider tomorrow that I believe we are heading in the wrong direction on, to wit, the President's energy policy, that I felt compelled to come here this evening to speak about the huge missed opportunity that this energy policy represents.

Mr. Speaker, as I was walking over here this evening thinking about what I was going to say, I looked up at the dome and thought how beautiful it is. I thought about some of the great inspirational things, the farsighted things that have actually taken place in this building; and the thing that really got me thinking about this issue is when John F. Kennedy stood right behind me at the rostrum and said that America, this was back in the early sixties, said America should put a man on the moon and bring him home safely within the decade. A huge challenge at that time before computers were existent and we had multistage rockets, an enormous visionary challenge to America to move forward on a technological basis, even though some of the technology was not there yet. President Kennedy understood the nature of the space race and the potential capability of the country to move forward, and challenged America with a policy.

The President's energy policy, unfortunately, does not challenge America to go anywhere. The President's energy policy, which we will vote on tomorrow in this Chamber, is a continuation of the last 100 years of old technology.

I would like to address, Mr. Speaker, why that policy misses so many golden opportunities. Let me say simply that a summary of this energy policy would be simple. It is of the oil and gas companies, it is by the oil and gas companies, and it is for the oil and gas companies. In ways that should be obvious to anyone who will look at this plan, will realize that the oil and gas companies should smile giant smiles when they consider the enormous giveaways by the American taxpayer to this old industry.

Of the $33 billion of taxpayer money that essentially is handed out through tax incentives and royalty relief, fully 70 percent or more goes to fossil fuel-based industries, our old technological base. Royalty relief in the millions of dollars to excuse payments that are owed by oil and gas companies to the American taxpayers are written off the books, just excused. Billions of dollars in tax incentives, not for a new industry on the cutting edge of technology but for something that we have been doing for over 100 years, drilling holes in the ground to get oil and gas. This may have been a good policy in 1901, 100 years ago. It may have made sense when we needed to perfect technology, and drilling holes in the ground where we needed to give incentives to the automobile industry. But this massive give away encapsulated in this bill is now 100 years out of date. It is a perfect energy plan for a different century.

Mr. Speaker, we would like to make efforts to change that. I have offered an amendment with a Republican colleague of mine, the gentleman from Connecticut (Mr. SHAYS), and I offered an amendment to try to reorient some over to clean fuels that do not burn carbon and to give people breaks when they buy an energy-efficient car or build an energy-efficient house, to help the geothermal industry, to help get more efficient transmission systems, to shift just a portion of those tax giveaways to the oil and gas industries over to these new cutting-edge technologies.

□ 2320

We felt it makes sense if you are going to give an incentive, don't give it to the giant who has been around for a hundred years stomping through the economy, give it for the new babies on the block who have growth potential, the new technologies.

What happened? We are told as of this moment at least, the majority party will not allow us to even vote on that issue. That is wrong, Mr. Speaker, for the U.S. House not to get to vote on the distribution of these tax incentives.

It is interesting because we are told we are going to be allowed a vote on some policy issues. What I think this proves and oil and gas has said, ''Well, you can vote on these policy issues, but don't touch my money. Don't let anybody else have a fair crack at these tax incentives.'' That is wrong.

The second issue I want to address as to why this energy policy is such a missed opportunity is 3 weeks ago, I was on the shores of the Aichilik River up in the Arctic National Refuge, the national refuge established during the Eisenhower administration. I went there to take a look at this refuge and see in fact whether it is something that America ought to preserve. I also spent a day at the Prudhoe Bay oil field taking a look at what an oil field looks like. I came away with two very distinct impressions after 4 days up on the shores of the Arctic. Number one, this Arctic National Refuge that the President wants to violate is the largest intact ecosystem in America. The President is asking us to create an oil field in the very heart of the most pristine area left in America, an area where the largest caribou herd in North America has its calving grounds. He wants us to put oil processing facilities right smack dab where the porcupine caribou herd, over 100,000 strong, calve once a year in their incredible migration over hundreds of miles across Alaska and Canada. The biologists have told us that that could damage the caribou herds. I saw birds from every one of the 50 States in the union, the most prolific bird life I have ever seen. I have tramped around a lot of back country in this country.

Simply put, this is an intact ecosystem that is unique. I came away concluding that what Dwight David Eisenhower had created, George Bush should not put asunder. The other reason for that is taking a look at Prudhoe Bay, although I saw some people who I thought were trying to reduce the impact of an oil field on the environment, the fact of the matter is whenever you think of Prudhoe Bay, it is a major industrial complex. It is not a wildlife refuge. It is time for us instead of doing the Arctic Refuge to explore the options we have.

That is the third point I want to make. This energy package is a huge missed opportunity because it does not explore the known options that America has to deal with their energy crisis. To give you an example, the President has proposed dealing in the Arctic Refuge. It will take 10 years to get any oil out of the Arctic Refuge. But let us assume that there is some oil there. The fact of the matter is even in the optimistic assessments of what we could do by destroying this Arctic Refuge, destroying what I believe is the heart of a unique ecosystem, if we simply increased our CAFE standards, our average mileage standards for our cars, by 1½ miles a gallon, just a tiny little scintilla of an improvement, we would save more oil and gas than we are ever going to get out of the Arctic Refuge over decades. We have a clear option. The option of driving and asking our auto industry to produce more fuel efficient vehicles is not going to destroy the Arctic Refuge, is more economically efficient and is clearly within our scientific technological basis, knowledge bank on how to do. The reason I know is that is the National Academy of Sciences came up with a report yesterday indicating that we could increase our fuel mileage, and the technology exists for that, well beyond 1½ miles a gallon in the next 5 years or 10 years.

We can build a natural gas pipeline across Alaska, something that I support. We can encourage and allow the 1,000 drilling rigs that are already drilling for oil, and there were only 300 of them 2 years ago, we have already had a massive increase in drilling activity in this country. We have got those three options. We ought to use these options that are within our technological data bank before we run off and try to destroy a unique wilderness that America has enjoyed since Dwight David Eisenhower was President. We have got those options, and we ought to pass an amendment to this bill tomorrow to take those. I am hoping that the majority party allows such a vote.

The fourth issue. Two years ago in Bellingham, Washington, a pipeline leaked and the gasoline subsequently exploded. It incinerated three children, three boys. Some time after that a pipeline exploded in New Mexico, killing 10 people, massive fireballs. Since those incredible disasters, guess what the U.S. House of Representatives have done as far as passing meaningful pipeline safety legislation to improve the inspections that are mandated in these pipelines. Absolutely nothing. The U.S. House since those tragedies still, since the U.S. Senate, the other Chamber, has passed legislation, improved legislation this year, this Chamber has not been given an opportunity to vote this year on pipeline safety. Here we have this 300-plus-page energy package coming to the floor, the need demonstrated to build new gasoline pipelines, and 2 years after those tragedies, we still have not been given an opportunity to vote on a pipeline safety bill that for the first time would have a statutory mandate that these pipelines be inspected.

The pipeline in New Mexico that exploded killing 10 people had not been inspected in 50 years, because there is no law requiring it. It is absurd for us to try to think we are going to have this massive expansion of energy and not move forward on pipeline safety legislation. I am here tonight speaking for the parents of these children who were lost in Bellingham, saying it is a crime against nature if this House passes an energy bill without passing a meaningful pipeline safety bill as well. We ought to have a chance to vote on this tomorrow. Mr. Speaker, I am urging the majority party to allow that vote and allow meaningful pipeline safety legislation to move ahead.

Let me just suggest if I can to the oil and gas pipeline companies. It is in the industry's interest to pass pipeline safety legislation. The reason it is in their interest is if we are going to build these pipelines, we have to site them. The industry knows that is hard. A lot of times people do not like pipelines running through their backyard, for understandable reasons. One of those understandable reasons is because the dang things blow up because we have lousy pipeline inspection criteria in our country. We need to gain public confidence in the pipeline safety system of this Nation. How do we expect to site these things if we do not have the public confidence? And we do not right now for good reasons. If we are going to expand our energy network of distribution, we need to win the public's confidence, we need to have a pipeline safety bill.

The fifth issue I would like to address, another missed opportunity. The science is overwhelming and observation is overwhelming that we have a problem with the change in the Earth's climate. The science is overwhelming that our contribution of certain gases, carbon dioxide being a principal culprit, are contributing to these changes in the global climate. When I was in the Arctic, I talked to a professor at the University of Alaska who told me that the depth of the Arctic ice has been reduced almost in half in the last several decades as a result of increasing temperatures in the Arctic. The extent of the Arctic ice has been reduced 10 percent. Glaciers are in massive retreat across North America. I talked to rangers in Denali National Park who had only been working there for 15 years who had seen the tree line move north several miles due to increasing temperatures in the Arctic.

The Earth's climate is changing and we are one reason for that. But despite that known science, the President has refused to exercise one single ounce of

leadership to help this Nation move forward on a technological basis to deal with global climate change. When you look at this 300 pages, I do not have it tonight, but if you look at that several hundred pages of this energy policy, you will not find any commitment to move forward on global climate change issues. It is incredible. It is incredible at the same time the President of the United States tells the rest of the world that they can go hang, we are not going to deal with global climate change, we are just going to come home and do something in America, well, fine, what is the President proposing? In this energy package, nothing meaningful. I have offered an amendment that at least would direct the Department of Energy to report within a year about the most efficient means we could do, things we could do to deal with global climate change, to reduce carbon dioxide emissions.

□ 2330

But instead of even allowing that, this bill has fully three-quarters, three-quarters, of all the tax incentives of $33 billion go to the industry that is responsible for putting global climate change gasses into the air, the oil and gas and fossil fuel and coal industries. Instead of going forward with new technologies, they want to go backward and ignore this problem of global climate change.

Mr. Speaker, I want to tell you, I am afraid the White House is way behind the American public on this. The American public that I am talking about do get it when it comes to global climate change. They want to see reasonable actions taken. They want to see reasonable research taking place. But, instead of that, this administration has given their political friends 75 percent of all the benefits in this bill, instead of the technologies that could fully move us forward to deal with global climate change. A tremendous missed opportunity.

The sixth issue, and here is a small issue. I will tell you how maybe small things add up. We have introduced a bill that actually has had some bipartisan support called the Home Energy Generation Act. It would allow Americans when they generate electricity in their home or their small business through solar or wind or other fuel cell technology, it would allow them to sell electricity back to the grid. Your meter, when you do this, would run backwards. If you are not using the energy, you sell it back to the utility. Our bill would say to the utility, it has to buy it back from you. A reasonable request.

It is very important to the development of these technologies, solar, wind, fuel cell technology, these distributed energy technologies, it is important because those are the industries that do not contribute global climate change gasses. It is a small suggestion, but I guess because oil and gas does not like it, it might reduce a little bit our demand for oil and gas and coal, we do not find it in this bill. We do not even get a vote on it. That is wrong. We ought to do some common sense measures on this.

Seventh, here we have a chance for America to lead on these new technologies by having the U.S. Government buy new technologies. Does it not make sense when the U.S. Government is one of the biggest purchasers of equipment in the world to have the U.S. Government lead by buying fuel efficient vehicles, by buying energy efficient electrical appliances, by making sure that our transmission systems are efficient when we do it for the U.S. Government? Does that not make sense, when the climate is changing?

But, no, this bill does not address that issue. It does not have us in the United States Government lead. The only thing the President proposed is to buy a little tiny thing that turns your VCR off when you are not using it. That is a good idea, I suppose, but maybe we can be more effective if we have the U.S. Government buy new fuel efficient vehicles, which we do not do.

We are trying to expect Americans to conserve electricity and use efficient vehicles, and the U.S. Government does not even do it. We hope to have some amendments on the floor to change that tomorrow. We hope the majority party will support it. But, again, a missed opportunity of the energy bill.

Finally, the eighth point I want to make, we have had an energy crisis on the West Coast. I am from the State of Washington. People I represent have seen their energy prices go up 50, 60 percent, and they are going to go up more possibly as a result of this energy crisis. From the beginning, the President has simply said it is a California problem. I am not going to help. He has done a good job of not helping.

We still need some help. I will tell you what we need; we need refunds. The people I represent have been gouged in their electrical bills. For 7 months now we have been beating a drum in this House and outside of this building to ask the administration to lift a finger to help the West Coast, and, finally, after 7 months of banging this drum, the Federal Energy Regulatory Commission finally issued a ruling that they want to move forward with evidentiary hearings to set a price so that in certain circumstances it is not too high. They also finally suggested that there be refunds, at least to the California citizens.

Well, we want to make sure that the energy bill makes sure that this happens, not just in California, but in Washington and Oregon as well. Why should not folks in Washington who have been overcharged for electricity have refunds as well as those in California? We have dragged the administration kicking and screaming to do something about this, but this energy bill needs to put it in law so that no one can backslide in this regard.

So, tonight I have offered eight things, and I suspect there are more that need fixing in this bill. We are going to give it every single energy we can tomorrow to repair and fix this bill. But, Mr. Speaker, from what I have heard tonight, we will be denied an opportunity to even vote on quite a number of these subjects. I think that that is wrong.

We think this country is not a desperate country. We do not think we are a desperate people. We think we are a creative people. We think we are an optimistic people. We think we are a positive people. We are positive there are things we can do to get us out of this energy pickle, get us out of this global climate change problem, if we will just look at the future instead of adopting an energy policy for the past.

Tomorrow we will have a chance to move for that future if we fix this bill, and reject it if it is not adequately fixed. It is an opportunity we ought to seize.

RECESS

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

Accordingly (at 11 o'clock and 36 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0122

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 1 o'clock and 22 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–178) on the resolution (H. Res. 216) providing for consideration of the bill (H.R. 4) 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, which was referred to the House Calendar and ordered printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–179) on the resolution (H. Res. 217) providing for consideration of motions to suspend

the rules, which was referred to the House Calendar and ordered printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today on account of personal business.

Mrs. JONES of Ohio (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

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

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

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

Mr. HAYWORTH, for 5 minutes, August 1.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 23 minutes a.m.), consistent with the fourth clause in section 5 of article I of the Constitution, and therefore notwithstanding section 132 of the Legislative Reorganization Act of 1946, as amended, the House stands adjourned until 10 a.m. on August 1, 2001.

EXECUTIVE COMMUNICATIONS, ETC.

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

3193. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation, ''To authorize the Secretary of Agriculture to prescribe, adjust, and collect fees to cover the costs incurred by the Secretary for activities related to the review and maintenance of licenses and registrations under the Animal Welfare Act''; to the Committee on Agriculture.

3194. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Diazinon, Parathion, O, O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate (Disulfoton), Ethoprop, and Carbaryl; Tolerance Revocations [OPP–301142; FRL–6787–8] (RIN: 2070–AB78) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3195. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Lysophosphatidylethanolamine (LPE); Temporary Exemption From the Requirement of a Tolerance [OPP–301145; FRL–6788–6] (RIN: 2070–AB78) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3196. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John M. McDuffie, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3197. A letter from the Deputy Secretary, Department of Defense, transmitting a report on the Reserve Forces Policy Board for FY 2000; to the Committee on Armed Services.

3198. A letter from the Secretary of the Navy, Department of Defense, transmitting notification of the decision to convert to contractor performance by the private sector the Administrative/Management Support function at Naval Air Systems Command, Naval Air Warfare Center Aircraft Divison (NAWCAD) at Lakehurst, Ocean County, New Jersey; to the Committee on Armed Services.

3199. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting a report on the progress made in providing International Development Association grant assistance to Heavily Indebted Poor Countries; to the Committee on Financial Services.

3200. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Attainment for PM–10; Oakridge, Oregon, PM–10 Nonattainment Area [Docket OR–01–005a; FRL–7018–6] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3201. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Attainment for PM–10; Lakeview, Oregon, PM–10 Nonattainment Area [Docket OR–01–004a; FRL–7018–5] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3202. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Preliminary Assessment Information Reporting; Addition of Certain Chemicals [OPPTS–82056; FRL–6783–6] (RIN: 2070–AB08) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3203. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Handbook on Nuclear Material Event Reporting in the Agreement States—received July 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3204. A letter from the Director, Defense Security Cooperation Agency, transmitting notification of Proposed Issuance of Letter of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 01–09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3205. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 01–09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3206. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Government of Australia (Transmittal No. 09–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3207. A letter from the Employee Benefits Manager, AgFirst, transmitting the annual reports of Federal Pension Plans Required by Public Law 95–595 for the plan year January 1, 2000, through December 31, 2000, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

3208. A letter from the Vice Chairman, Board of Directors, Amtrak, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3209. 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.

3210. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3211. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3212. A letter from the Auditor, District of Columbia, transmitting a report entitled, ''Certification Review of the Sufficiency of the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2002''; to the Committee on Government Reform.

3213. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2000, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

3214. A letter from the Acting Director, Retirement and Insurance Service, Office of Personnel Management, transmitting the Office's final rule—Law Enforcement Officer and Firefighter Retirement (RIN: 3206–AJ39) received July 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3215. A letter from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3216. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Navajo Abandoned Mine Land Reclamation Plan [NA–004–FOR] received July

26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3217. A letter from the Regulations Specialist, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Attorney Contracts with Indian Tribes (RIN: 1076–AE18) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3218. A letter from the Regulations Specialist, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Encumbrances of Tribal Land—Contract Approvals (RIN: 1076–AE00) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3219. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 010409084–1084–01; I.D. 030601A] (RIN: 0648–AP16) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3220. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone [Docket No. 000519147–0147–01; I.D. 051800C] (RIN: 0648–AO22) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3221. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Limitations on Incidental Takings During Fishing Activities [Docket No. 010308058–1058–01; I.D. 030701A] (RIN: 0648–AP14) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3222. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions Applicable to Fishing and Scientific Research Activities [Docket No. 010607150–1150–01; I.D. 091200F] (RIN: 0648–AN64) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3223. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 010618158–1158–01; I.D. 061301B] (RIN: 0648–AP34) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3224. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 000511138–0138–01; I.D. 051100B] (RIN: 0648–AO19) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3225. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 010507114–1114–01; I.D. 040401B] (RIN: 0648–AP20) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3226. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 000822243–0243–01; I.D. 082100D] (RIN: 0648–AO43) received July 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3227. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–700 and -800 Series Airplanes [Docket No. 2000–NM–403–AD; Amendment 39–12305; AD 2001–13–23] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3228. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 560XL Airplanes [Docket No. 2001–NM–146–AD; Amendment 39–12320; AD 2001–14–09] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3229. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes and Airbus Model A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes [Docket No. 2001–NM–04–AD; Amendment 39–12306; AD 2001–13–24] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3230. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes [Docket No. 2001–NM–214–AD; Amendment 39–12328; AD 2001–14–17] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3231. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes, Model MD–10 Series Airplanes, and Model MD–11 Series Airplanes [Docket No. 2000–NM–269–AD; Amendment 39–12319; AD 2001–14–08] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3232. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–30 Series Airplanes Modified by Supplemental Type Certificate ST00054SE [Docket No. 2000–NM–231–AD; Amendment 39–12313; AD 2001–13–03] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3233. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–200 and -300 Series Airplanes [Docket No. 2001–NM–25–AD; Amendment 39–12307; AD 2001–13–25] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3234. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–102, -103, and -301 Series Airplanes [Docket No. 2000–NM–328–AD; Amendment 39–12303; AD 2001–13–21] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3235. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200 Series Airplanes Modified by Supplemental Type Certificate ST09022AC-D [Docket No. 2000–NM–243–AD; Amendment 39–12324; AD 2001–14–13] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3236. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747SP Series Airplanes Modified by Supplemental Type Certificate ST09097AC-D [Docket No. 2000–NM–244–AD; Amendment 39–12325; AD 2001–14–14] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3237. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes Modified by Supplemental Type Certificate SA8843SW [Docket No. 2000–NM–245–AD; Amendment 39–12326; AD 2001–14–15] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300, -400, and -500 Series Airplanes [Docket No. 2000–NM–39–AD; Amendment 39–12316; AD 2001–14–06] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000–NM–251–AD; Amendment 39–12318; AD 2001–14–07] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200 Series Airplanes Modified by Supplemental Type Certificate SA1727GL [Docket No. 2000–NM–228–AD; Amendment 39–12311; AD 2001–14–01] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, -700, -700C, and -800 Series Airplanes [Docket No. 2001–NM–188–AD; Amendment 39–12315; AD 2001–14–05] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to

the Committee on Transportation and Infrastructure.

3242. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–200, -200C, -300, and -400 Series Airplanes [Docket No. 2000–NM–205–AD; Amendment 39–12317; AD 2000–06–13 R1] (RIN: 2120–AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3243. A letter from the General Counsel, Department of Defense, transmitting the Department's enclosed legislation relating to income and transportation taxes on military and civilian personnel; to the Committee on Ways and Means.

3244. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules for Certain Reserves [Rev. Rul. 2001–38] received July 26, 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. THOMAS: Committee on Ways and Means. H.R. 2603. A bill to implement the agreement establishing a United States-Jordan free trade area; with an amendment (Rept. 107–176 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 2460. A bill to authorize appropriations for environmental research and development, scientific and energy research, development, and demonstration, and commercial application of energy technology programs, projects, and activities of the Department of Energy and of the Office of Air and Radiation of the Environmental Protection Agency, and for other purposes; with an amendment (Rept. 107–177). Referred to the Committee of the Whole House on the State of the Union.

[Filed on Aug. 1 (legislative day, July 31), 2001]

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 216. Resolution providing for consideration of the bill (H.R. 4) 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 (Rept. 107–178). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 217. Resolution providing for consideration of motions to suspend the rules (Rept. 107–179). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 2603 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2603. Referral to the Committee on the Judiciary extended for a period ending not later than July 31, 2001.

PUBLIC BILLS AND RESOLUTIONS

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

[Omitted from the Record of July 30, 2001]

By Mr. SMITH of Texas (for himself, Mr. SCOTT, Mr. BALDACCI, Mr. BUYER, Ms. CARSON of Indiana, Mr. FROST, Mr. ISTOOK, Mr. LUTHER, Mrs. MORELLA, Mr. NEY, Ms. NORTON, Mr. PLATTS, Mr. PUTNAM, Mr. SHOWS, Mr. SIMMONS, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. WAMP, and Mr. WATT of North Carolina):

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Week; to the Committee on Education and the Workforce.

[Submitted July 31, 2001]

By Mr. TOM DAVIS of Virginia (for himself and Mr. MORAN of Virginia):

H.R. 2678. A bill to amend title 5, United States Codes, to establish an exchange program between the Federal Government and the private sector to develop expertise in information technology management, and for other purposes; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 2679. A bill to condition the minimum-wage-exempt status of organized camps under the Fair Labor Standards Act of 1938 on compliance with certain safety standards, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2680. A bill to authorize the grant program for elimination of the nationwide backlog in analyses of DNA samples at the level necessary to completely eliminate the backlog and obtain a DNA sample from every person convicted of a qualifying offense; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 2681. A bill to amend the Davis-Bacon Act to provide that a contractor under that Act who has repeated violations of the Act shall have its contract with the United States canceled and to require the disclosure under freedom of information provisions of Federal law of certain payroll information under contracts subject to the Davis-Bacon Act; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOKSEY:

H.R. 2682. A bill to provide for the designation of certain closed military installations as ports of entry; to the Committee on Armed Services, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN (for herself, Mr. BAIRD, Mr. BRADY of Texas, Mr. HILLEARY, and Mr. CLEMENT):

H.R. 2683. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 2684. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care; to the Committee on the Judiciary.

By Mr. GILCHREST:

H.R. 2685. A bill to amend title 10, United States Code, to revise the computation of military disability retired pay computation for certain members of the uniformed services injured while a cadet or midshipman at a service academy; to the Committee on Armed Services.

By Mr. HILLIARD:

H.R. 2686. A bill to prohibit States from carrying out certain law enforcement activities which have the effect of intimidating individuals from voting; to the Committee on the Judiciary.

By Mr. HILLIARD:

H.R. 2687. A bill to prohibit States from denying any individual the right to register to vote for an election for Federal office, or the right to vote in an election for Federal office, on the grounds that the individual has been convicted of a Federal crime, and to amend title 5, United States Code, to establish election day as a legal public holiday by moving the legal public holiday known as Veterans Day to election day in such years; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mr. SHIMKUS, Mr. CAPUANO, Mr. FROST, Mrs. MINK of Hawaii, Mr. STARK, Mr. GREEN of Texas, Mr. GRUCCI, Mr. UNDERWOOD, Ms. BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, Mr. KANJORSKI, Mr. OSE, Mr. GREENWOOD, Mr. MCGOVERN, Mr. SMITH of New Jersey, Ms. HART, Mr. WELDON of Pennsylvania, Mr. GREEN of Wisconsin, Mr. GORDON, Mr. KING, Mr. BORSKI, Mr. HOLDEN, Ms. DELAURO, Mr. CHABOT, Mr. HOEFFEL, Mrs. NAPOLITANO, Mr. PALLONE, Mr. KIND, Mr. WYNN, Mr. TRAFICANT, Mrs. THURMAN, Mr. WEXLER, Mr. CLEMENT, Mr. POMEROY, Mrs. MEEK of Florida, Mr. BALDACCI, Mr. MANZULLO, Ms. ROYBAL-ALLARD, Mr. MASCARA, Ms. WOOLSEY, Mr. ACKERMAN, Mr. ISRAEL, Mr. ROTHMAN, Mr. BERMAN, Mr. WEINER, Mr. LEWIS of Georgia, Ms. SLAUGHTER, Ms. BERKLEY, Mr. MCINTYRE, Mr. CRAMER, Mr. SHOWS, Mr. MORAN of Virginia, Mr. RUSH, Mr. CARSON of Oklahoma, Mr. PETERSON of Minnesota, Mr. JOHN, Mr. TIERNEY, Mr. BRADY of Pennsylvania, Mr. RODRIGUEZ, Ms. LEE, Mrs. JONES of Ohio, Mr. DEFAZIO, Mr. OLVER, Ms. BALDWIN, Mr. RAHALL, Mr. BARRETT, Mr. LANGEVIN, Mr. BERRY, Mr. PASCRELL, Mr. MALONEY of Connecticut, Mr. BENTSEN, Mr. FARR of California, Mr. ORTIZ, Mr. SHERMAN, Ms. PELOSI, Mr. RAMSTAD, Ms. HOOLEY of Oregon, Ms. SANCHEZ, Mr. HINOJOSA, Mr. GONZALEZ, Mr. SMITH of Michigan, Mr. THOMPSON of California, Mr. COSTELLO, Mrs. MALONEY of New York, Mr. DOGGETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEVIN, Mr. SAWYER, Mr. HOLT, Mr. BACA, Ms. SCHAKOWSKY, Ms. ESHOO, Ms. MILLENDER-MCDONALD, Mrs.

CAPPS, Mr. MOORE, Mr. CROWLEY, Mr. BROWN of Ohio, Mr. BLAGOJEVICH, Mr. FORD, Mr. BARCIA, and Mr. BAIRD):

H.R. 2688. A bill to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, 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. MANZULLO (for himself, Mr. BLAGOJEVICH, Mr. EVANS, and Mr. KIRK):

H.R. 2689. A bill to amend chapter 142 of title 10, United States Code, to increase the value of the assistance that the Secretary of Defense may furnish to carry out certain procurement technical assistance programs which operate on a Statewide basis; to the Committee on Armed Services.

By Mr. RADANOVICH (for himself and Ms. MCCOLLUM):

H.R. 2690. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees; to the Committee on the Judiciary.

By Mr. SABO (for himself, Mr. BONIOR, Mr. DEFAZIO, Mr. DELAHUNT, Mr. KUCINICH, Ms. LEE, Ms. MCKINNEY, Ms. SCHAKOWSKY, Mr. STARK, Mr. VISCLOSKY, and Mr. WYNN):

H.R. 2691. A bill to amend the Internal Revenue Code of 1986 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mr. FRANK, Mr. FOLEY, Mrs. TAUSCHER, Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Mr. BACA, Mr. BALDACCI, Ms. BALDWIN, Mr. BARRETT, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BONIOR, Mr. BORSKI, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. COYNE, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DOGGETT, Mr. DOOLEY of California, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FARR of California, Mr. FERGUSON, Mr. FILNER, Mr. FORD, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GEPHARDT, Mr. GILCHREST, Mr. GILMAN, Mr. GONZALEZ, Mr. GREENWOOD, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KIRK, Mr. KLECZKA, Mr. KOLBE, Mr. KUCINICH, Mr. LAFALCE, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MARKEY, Mr. MATHESON, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOORE, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Ms. PRYCE of Ohio, Mr. PASCRELL, Mr. RANGEL, Mr. REYES, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Ms. SANCHEZ, Mr. SANDERS, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Mr. SIMMONS, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. STARK, Mr. STRICKLAND, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mrs. THURMAN, Mr. TIERNEY, Mr. TOWNS, Mr. TRAFICANT, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Ms. WATERS, Ms. WATSON, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 2692. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. BALLENGER, Mr. KOLBE, Mr. BARTON of Texas, Mr. NETHERCUTT, and Mr. DREIER):

H. Con. Res. 206. Concurrent resolution recognizing the important relationship between the United States and Mexico; to the Committee on International Relations.

By Mr. LARGENT (for himself and Mr. BROWN of Ohio):

H. Con. Res. 207. Concurrent resolution recognizing the important contributions of the Youth For Life: Remembering Walter Payton initiative and encouraging participation in this nationwide effort to educate young people about organ and tissue donation; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII,

184. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 21 memorializing the United States Congress to initiate the development of an agreement or treaty with Mexico to address health issues of mutual concern; 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. 85: Mr. MATHESON.
H.R. 134: Mr. GUTIERREZ.
H.R. 157: Mrs. MINK of Hawaii.
H.R. 218: Mr. LUCAS of Oklahoma, Mr. WICKER, Mr. GOSS, Mr. SHOWS, and Mr. MASCARA.
H.R. 274: Ms. DELAURO.
H.R. 326: Ms. HARMAN.
H.R. 400: Mr. CRENSHAW.
H.R. 432: Mr. BONIOR.
H.R. 433: Mr. BONIOR.
H.R. 437: Mr. HERGER.
H.R. 510: Mrs. MINK of Hawaii and Mr. TRAFICANT.
H.R. 612: Ms. GRANGER.
H.R. 664: Mr. UPTON, Mrs. JOHNSON of Connecticut, Mr. CALVERT, and Mr. HOUGHTON.
H.R. 684: Mr. NADLER and Mr. HINCHEY.
H.R. 737: Mr. SKELTON.
H.R. 778: Mr. MCDERMOTT, Mr. DOYLE, and Mr. BORSKI.
H.R. 781: Mr. SCOTT and Mr. LARSEN of Washington.
H.R. 817: Mr. WHITFIELD.
H.R. 914: Mr. LARGENT.
H.R. 921: Mr. BONIOR.
H.R. 938: Mr. PAYNE, Mr. LEACH, and Mr. COOKSEY.
H.R. 967: Mr. WATT of North Carolina and Mr. HINCHEY.
H.R. 1035: Mr. CARSON of Oklahoma and Ms. MILLENDER-MCDONALD.
H.R. 1073: Mr. BOSWELL.
H.R. 1086: Mr. BLUMENAUER.
H.R. 1090: Ms. PELOSI, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. THOMPSON of California, and Mr. DELAHUNT.
H.R. 1120: Mr. GOODLATTE.
H.R. 1170: Mr. SERRANO, Mr. BARCIA, and Mr. MOORE.
H.R. 1178: Mr. MATHESON.
H.R. 1198: Mr. GILLMOR, Mr. LIPINSKI, Mr. HOEFFEL, Mr. LARSEN of Washington, Mr. LAFALCE, and Mr. FRELINGHUYSEN.
H.R. 1201: Mr. MCGOVERN and Mr. BERMAN.
H.R. 1252: Mr. ENGEL.
H.R. 1296: Mr. LARGENT.
H.R. 1305: Mr. SWEENEY.
H.R. 1353: Mr. MORAN of Kansas, Mr. SNYDER, and Ms. TERRY.
H.R. 1354: Ms. HARMAN, Mr. BACA, Mr. BORSKI, and Mr. JACKSON of Illinois.
H.R. 1436: Mr. SNYDER, Mr. LOBIONDO, Mrs. NAPOLITANO, Mr. COMBEST, Mr. KANJORSKI, and Mr. MASCARA.
H.R. 1460: Mr. BOUCHER, Mr. NORWOOD, Mrs. EMERSON, Mr. NEY, Mr. PETRI, Mr. PETERSON of Pennsylvania, Mr. OXLEY, Mr. SHUSTER, Mr. LEWIS of Kentucky, and Mr. CRANE.
H.R. 1462: Mr. CALVERT.
H.R. 1509: Mr. DEUTSCH and Mr. BLUMENAUER.
H.R. 1556: Mr. SIMMONS, Mr. HOEFFEL, Mr. MASCARA, and Mr. DIAZ-BALART.
H.R. 1589: Mr. CUNNINGHAM.
H.R. 1602: Mr. MCKEON, Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, Mr. GOODLATTE, and Mr. BROWN of South Carolina.
H.R. 1609: Mr. FARR of California, Mrs. CLAYTON, Mrs. EMERSON, Mr. PHELPS, Mrs. JO ANN DAVIS of Virginia, Mr. HOEFFEL, and Mr. MASCARA.
H.R. 1624: Mr. HINCHEY, Mr. MCGOVERN, Mr. CANNON, Mr. EDWARDS, Mr. HOUGHTON, and Mr. GRUCCI.
H.R. 1645: Mr. WALSH and Mr. CANNON.
H.R. 1700: Mr. OLVER, Mr. MARKEY, and Mr. MEEHAN.
H.R. 1773: Mr. MEEKS of New York and Mr. MCGOVERN.

H.R. 1784: Mrs. CAPPS and Mr. FILNER.
H.R. 1795: Mrs. KELLY, Mr. OTTER, and Mr. SMITH of New Jersey.
H.R. 1819: Mr. WAMP.
H.R. 1856: Mr. FORBES.
H.R. 1873: Mr. UDALL of Colorado.
H.R. 1948: Ms. SCHAKOWSKY.
H.R. 1978: Mr. BROWN of Ohio and Mr. DAVIS of Illinois.
H.R. 1983: Mr. SKEEN, Mr. BROWN of South Carolina, and Mr. MASCARA.
H.R. 2001: Mr. PASTOR.
H.R. 2064: Mr. HASTINGS of Florida and Mr. BLAGOJEVICH.
H.R. 2066: Mr. BEREUTER.
H.R. 2071: Mr. SIMMONS.
H.R. 2098: Mr. CANTOR.
H.R. 2125: Mr. TIERNEY, Mr. SOUDER, and Mr. SCHROCK.
H.R. 2134: Mr. BLAGOJEVICH.
H.R. 2142: Mr. MCGOVERN, Mr. DOOLEY of California, Mr. KIRK, Mr. FRANK, and Mr. LANTOS.
H.R. 2157: Mr. SKEEN.
H.R. 2220: Mr. BACA, Mr. ACKERMAN, Mr. CARSON of Oklahoma, Ms. HARMAN, Mr. KILDEE, Mr. MCGOVERN, Mr. REYES, and Mr. OWENS.
H.R. 2243: Mr. KUCINICH.
H.R. 2272: Mr. BLUMENAUER.
H.R. 2308: Mr. MATHESON.
H.R. 2310: Mr. FOLEY.
H.R. 2316: Mr. WELDON of Florida, Ms. HART, Mr. WALDEN of Oregon, Mr. SCHAFFER, Mr. JONES of North Carolina, and Mr. FOSSELLA.
H.R. 2317: Mrs. MALONEY of New York and Mrs. DAVIS of California.
H.R. 2322: Mr. BEREUTER.
H.R. 2332: Mr. CLEMENT.
H.R. 2345: Mr. PASTOR.
H.R. 2348: Mr. RANGEL, Ms. PELOSI, Mr. HALL of Ohio, Mr. ORTIZ, Ms. SANCHEZ, Mrs. NAPOLITANO, Mr. REYES, Mr. MCGOVERN, Ms. CARSON of Indiana, Mr. OWENS, and Mr. MARKEY.
H.R. 2349: Ms. ESHOO and Ms. HOOLEY of Oregon.
H.R. 2355: Mr. ISAKSON.
H.R. 2357: Mr. BARR of Georgia, Mr. BLUNT, Mr. HAYES, Mr. BARTLETT of Maryland, Mr. KERNS, Mr. PICKERING, Mr. WATTS of Oklahoma, Mr. BROWN of South Carolina, Mr. BRADY of Texas, Mr. VITTER, Mr. WHITFIELD, Mr. LARGENT, Mr. WATKINS, Mr. BURR of North Carolina, Mr. TRAFICANT, Mr. BILIRAKIS, and Mr. HEFLEY.
H.R. 2366: Mr. SCHAFFER.
H.R. 2368: Mr. CLAY.
H.R. 2375: Mr. EHRLICH, Mr. LAMPSON, Ms. ESHOO, Mr. KANJORSKI, Mr. WYNN, Mr. ACKERMAN, Mrs. CAPPS, Mr. SERRANO, Mr. GUTIERREZ, and Mr. NADLER.
H.R. 2400: Mr. TOWNS.
H.R. 2401: Mr. TOWNS.
H.R. 2402: Mr. TOWNS.
H.R. 2410: Mr. SCHAFFER.
H.R. 2442: Ms. ROS-LEHTINEN.
H.R. 2460: Mr. SMITH of Michigan, Mr. MATHESON, Mr. EHLERS, Ms. HART, Mrs. BIGGERT, Mr. COSTELLO, Mr. BACA, Ms. WOOLSEY, and Mr. UDALL of Colorado.
H.R. 2484: Mr. FOSSELLA and Mr. OWENS.
H.R. 2486: Ms. HART.
H.R. 2520: Mr. MEEKS of New York.
H.R. 2521: Mr. GORDON.
H.R. 2560: Mr. MCGOVERN.
H.R. 2573: Mr. FATTAH and Mr. STARK.
H.R. 2662: Mr. FLAKE.
H.R. 2669: Mr. ADERHOLT, Mr. LAHOOD, Mr. LEACH, Mr. MCINTRYE, Mr. PETERSON of Minnesota, Mr. PHELPS, and Mr. SHOWS.
H.R. 2675: Mr. FOSSELLA.
H.J. Res. 6: Mr. SOUDER.
H.J. Res. 15: Ms. ROYBAL-ALLARD.
H.J. Res. 42: Mr. SMITH of Washington, Mr. SHIMKUS, Mr. HORN, Mr. ANDREWS, Mrs. MALONEY of New York, Ms. HARMAN, Mr. HONDA, Mr. CARSON of Oklahoma, Mrs. CAPITO, and Mr. PICKERING.
H. Con. Res. 44: Mr. SCHAFFER.
H. Con. Res. 58: Mr. HILLIARD.
H. Con. Res. 60: Ms. WOOLSEY.
H. Con. Res. 97: Mr. KENNEDY of Rhode Island.
H. Con. Res. 185: Ms. LEE, Mr. HYDE, Mr. SMITH of New Jersey, and Mr. HONDA.
H. Con. Res. 195: Ms. SCHAKOWSKY and Mr. GEORGE MILLER of California.
H. Res. 65: Mr. FOLEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 6: Page 96, after line 17, insert the following new section, and make the necessary change to the table of contents:

SEC. 804. REENERGIZING RURAL AMERICA.

(a) AMENDMENTS.—Parts B and C of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231-6249c), and the items in the table of contents of that Act relating thereto, are amended—

(1) by striking ''Strategic Petroleum Reserve'' each place it appears and inserting ''Strategic Fuels Reserve'';

(2) by striking ''petroleum products'' each place it appears other than section 160(h)(2)(B), and inserting ''strategic fuels'';

(3) by striking ''petroleum product'' each place it appears and inserting ''strategic fuel'';

(4) by striking ''Petroleum products'' each place it appears and inserting ''Strategic fuels'';

(5) by striking ''Petroleum product'' each place it appears and inserting ''Strategic fuel'';

(6) by striking ''SPR Petroleum Account'' each place it appears and inserting ''SFR Fuels Account'';

(7) in section 152, by adding at the end the following new paragraph:

''(12) The term 'strategic fuels' means petroleum products, ethanol, and biodiesel fuels.'';

(8) in section 154, by inserting after subsection (b) the following new subsection:

''(c)(1) Except as provided in paragraph (2), the Secretary shall, within 3 years after the date of the enactment of this subsection, acquire and maintain as part of the Reserve a minimum of 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels may be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Reserve.

''(2) The Secretary shall carry out paragraph (1) in a manner that avoids, to the extent possible, a disruption of the strategic fuels markets.'';

(9) in section 161(g), by striking ''crude oil'' each place it appears and inserting ''strategic fuels'';

(10) in section 165(5), by striking ''petroleum'' and inserting ''strategic fuel'';

(11) in section 165(10), by striking ''oil'' and inserting ''strategic fuels''; and

(12) in the heading of subsection (c) of section 168, by striking ''STORED OIL'' and inserting ''STORED FUEL''.

(b) REFERENCES.—Any reference in any Federal law or regulation to the Strategic Petroleum Reserve or to the SPR Petroleum Account shall be deemed to be a reference to the Strategic Fuels Reserve or the SFR Fuels Account, accordingly.

H.R. 4

OFFERED BY: MR. KERNS

AMENDMENT NO. 7: At the end of title III of division C insert the following new section:

SEC. 3311. USE OF CERTAIN TRANSFERRED FUNDS.

(a) IN GENERAL.—Section 9705 is amended by adding at the end the following new subsection:

''(c) CERTAIN TRANFERS.—Notwithstanding any other provision of law, any amount transferred to or received by the Combined Fund for any fiscal year for any reason, whether that amount is transferred or received from general purpose funds, under section 402(h) of the Surface Mining Control and Reclamation Act of 1977, or from any other source, shall be used first to refund to each operator and/or business any and all monies, including interest thereon calculated at the currently prevailing rate established by the Internal Revenue Service pursuant to 20 U.S.C. 1307, paid to any of the Funds established under this Subtitle J by each such operator and/or business that was last signatory to a Coal Wage Agreement prior to the year 1974, provided that such monies have not been previously refunded to such operator and/or business; and thereafter to pay the amount of any other obligation occurring in the Combined Fund.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to the fiscal year beginning on October 1, 2001.

H.R. 4

OFFERED BY: MR. NADLER

AMENDMENT NO. 8: Page 96, after line 17, insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 904. COMMUNITY POWER INVESTMENT REVOLVING LOAN FUND.

(a) REVOLVING LOAN FUND.—There is established in the Treasury of the United States a revolving loan fund to be known as the ''Community Power Investment Revolving Loan Fund'' consisting of such amounts as may be appropriated or credited to such Fund as provided in this section.

(b) EXPENDITURES FROM LOAN FUNDS.—

(1) IN GENERAL.—The Secretary of Energy, under such rules and regulations as the Secretary may prescribe, may make loans from the Community Power Investment Revolving Loan Fund, without further appropriation, to a State or local government, including any municipality.

(2) PURPOSE.—Loans provided under this section shall be used only for any of the following:

(A) Feasibility studies to investigate options for the creation or expansion of public power systems.

(B) Community development assistance programs to stem rising energy costs, including low-income customer payment programs.

(C) Energy efficiency programs and other local conservation measures.

(D) Incentives for new renewable energy resources, including research and development programs, purchases from alternative energy providers, and construction of new generation facilities.

(E) Increased and rapid deployment of distributed energy generation resources, including the following:

(i) Microturbines.

(ii) Fuel cells.

(iii) Combined heat and power systems.

(iv) Advanced internal combustion engine generators.

(v) Advanced natural gas turbines.

(vi) Energy storage devices.

(vii) Distributed generation research and development for local communities, including interconnection standards and equipment, and dispatch and control services that preserve appropriate local control authority to protect distribution system safety, reliability, and new and backup power quality.

(F) Purchase of existing electricity generation and transmission systems of private power companies.

(G) Construction of new electricity generation and transmission facilities.

(H) Education and public information programs.

(3) RESTRICTIONS.—No loan may be made under this section to any entity that is financially distressed, delinquent on any Federal debt, or in current bankruptcy proceedings. No loan shall be made under this section unless the Secretary determines that—

(A) there is reasonable assurance of repayment of the loan; and

(B) the amount of the loan, together with other funds provided by or available to the recipient, is adequate to assure completion of the facility or facilities for which the loan is made.

(c) LOAN REPAYMENTS.—

(1) LENGTH OF REPAYMENT.—

(A) IN GENERAL.—Before making a loan under this section, the Secretary shall determine the period of time within which a State must repay such loan.

(B) LIMITATION.—Except as provided in subparagraph (C), the Secretary shall in no case allow repayment of such loan—

(i) to begin later than the date that is one year after the date on which the loan is made; and

(ii) to be completed later than the date that is 30 years after the date on which the loan is made.

(C) MORATORIUM.—The Secretary may grant a temporary moratorium on the repayment of a loan provided under this section if, in the determination of the Secretary, continued repayment of such loan would cause a financial hardship on the State that received the loan.

(2) INTEREST.—The Secretary may not impose or collect interest on a loan provided under this section in excess of one percent above the current U.S. Treasury rate for obligations of similar maturity.

(3) CREDIT TO LOAN FUND.—Repayment of amounts loaned under this section shall be credited to the Community Power Investment Revolving Loan Fund and shall be available for the purposes for which the fund is established.

(4) FINANCE CHARGES.—The Secretary may assess finance charges of 5 percent on loans under this section that are repaid within 5 to 10 years, 3 percent on such loans that are repaid within 3 to 5 years, and one percent for loans repaid within 3 years.

(d) ADMINISTRATION EXPENSES.—The Secretary may defray the expenses of administering the loans provided under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Community Power Investment Revolving Loan Fund $5,000,000,000 for each of the fiscal years 2002 through 2007.

H.R. 4

OFFERED BY: MR. STEARNS

AMENDMENT NO. 9: Page 34, after line 7, insert the following new section and make the necessary changes in the table of contents:

SEC. 129. DEPARTMENT OF DEFENSE FUEL EFFICIENCY.

(a) FINDINGS.—Congress finds the following:

(1) The federal government is the largest single energy user in the United States.

(2) The Department of Defense is the largest energy user among all federal agencies.

(3) The Department of Defense consumed 595 trillion btu of petroleum in Fiscal Year 1999 while all other federal agencies, combined, consumed 56 btu of petroleum.

(4) The total cost of petroleum to the Department of Defense amounted to $3.6 billion in Fiscal Year 2000.

(5) Increased fuel efficiency reduces the cost of delivering fuel to units during operations and training, thereby allowing a corresponding percentage of defense dollars to be allocated to logistic shortages, combat units, and other readiness needs.

(6) Increased fuel efficiency decreases time needed to assemble forces, increases unit flexibility, and allows forces to remain in the field for a sustained period of time.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should work to implement fuel efficiency reforms as recommended by the Defense Science Board report which allow for investment decisions based on the true cost of delivered fuel, strengthening the linkage between warfighting capability and fuel logistics requirements, provide high-level leadership encouraging fuel efficiency, target fuel efficiency improvements through Science and Technology investment, and include fuel efficiency in requirements and acquisition processes.

EXTENSIONS OF REMARKS

INDIAN DUPLICITY EXPOSED; INDIA MUST LIVE UP TO DEMOCRATIC PRINCIPLES

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

Mr. BURTON of Indiana. Mr. Speaker, the duplicity of India is clearer after the collapse of its talks with Pakistan. Pakistani President Musharraf went home abruptly because India was not dealing in good faith. Although much discussion focused on the Kashmir issue, India's spokeswoman never even acknowledged that Kashmir was on the agenda. India refused to go along with three drafts of a joint statement approved by both leaders. Instead, India insisted on including its unfounded accusations that Pakistan is fomenting terrorism in Kashmir and other places that India controls.

India has a long record of supporting terrorism against the people within its borders. The most recent incident took place last month when Indian military troops tried to burn down a Gurdwara and some Sikh homes in Kashmir, but were stopped by Sikh and Muslim residents of the town. There are many other incidents. The massacre in Chithisinghpora is very well known by now. It's also well known that India paid out over 41,000 cash bounties to police officers for killing Sikhs. It's well known that India holds tens of thousands of political prisoners, Sikhs and other minorities, in illegal detention with no charges and no trial. Some of them have been held since 1984. Is this how a democratic state conducts its affairs?

It is India that introduced the specter of nuclear terrorism into South Asia with its nuclear tests. Can we blame Pakistan for responding? Although it claims that the nuclear weapons are to protect them from China, the majority of them are pointed at Pakistan. Unfortunately, if there is a war between India and Pakistan, it is the minority peoples in Punjab and Kashmir who will suffer the most and bear most of the cost.

The United States must become more engaged in the subcontinent. We should continue to encourage both India and Pakistan to reduce their nuclear stockpiles. However, we should not remove the sanctions against India for its introduction of nuclear weapons into this region. In addition, we should end all aid to India until the most basic human rights are respected and not violated. Finally, we should publicly declare support for a free and fair vote in Kashmir, as promised in 1948 and as President Musharraf was pushing for, and in Punjab, Khalistan, in Nagalim, and in all the 17 nations under Indian occupation where freedom movements are ongoing. Only by these means can we strengthen America's hand in South Asia, ensure that a violent breakup like that of Yugoslavia does not occur in the subcontinent, and let the glow of freedom shine for all the people of that troubled region.

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

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

The House in Committee of the Whole House on the State of the Union 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:

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support for the Bonior-Waxman-Obey-Brown (OH)-Kildee amendment. I don't think there is one person out there in America who, if asked, would state a preference for dangerous levels of arsenic in their drinking water. The Republican majority and President Bush clearly haven't asked the American public or just don't care because tougher protections from arsenic are long overdue.

In 1996, the Congress instructed EPA to update the Arsenic standard of 50 parts per billion no later than January of 2001.

In 1999, the National Academy of Sciences, after years of research, found that the old arsenic standard of 50 ppb for drinking water "does not achieve EPA's goal for public health protection and, therefore, requires downward revision as promptly as possible."

Finally, in January 2001, after decades of public comment, debate, and millions of dollars of research, EPA issued the new standard of 10 ppb—which was considered a compromise proposal.

In April I released the results of a study that was conducted by Congressman WAXMAN's staff on the Government Reform Committee. The report was focused on Illinois and warned that the health of thousands of Illinois residents is at risk since their drinking water contains unacceptable levels of arsenic. The report showed that as many as 134,000 people in Illinois in almost 60 communities are drinking water that contains arsenic levels above the standard of 20 parts per billion (ppb).

Science has proven that arsenic is a carcinogen and it is deadly—it causes cancer, birth defects, and cardiovascular disease. What more evidence does President Bush need to get it out of our water? I've been a consumer rights advocate for a long time and in public office for ten years, and until now, I've never met a so-called leader so eager to do so little for public health.

Thanks to the deep pockets of President Bush's mining and chemical industry friends, the United States has the same arsenic drinking water standard as Bangladesh at 50 ppb. This Administration is willing to risk the health of millions to pay back the special interests and it is time we put a stop to it.

I urge all members to support this important amendment to prohibit EPA funds from being used to weaken the arsenic standard.

HONORING MARY E. JOHNS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to both honor and thank Mary Johns, a dedicated member of the community and my staff. Mary has a long history of involvement in the 2nd Congressional District of Colorado and is deserving of special recognition.

After graduating from Santa Monica College with a degree in Public Administration, Mary moved to Colorado to raise a family and pursue her interests in local and national government. Her commitment to public service is apparent when one looks at her involvement in local politics and community-based organizations. She was a member of the City of Thornton Career Service Board, also serving as Vice-Chairwoman, and was Chairwoman and Trustee of the MetroNorth PAC. Mary's interests also included involvement in the ADCO Partners in Progress for a New Airport and the Adams County Airport Task Force.

During this time she went to work for United States Congressman David Skaggs. It was in that office that she began working with veterans, postal workers and labor organizations. She demonstrated great understanding and compassion with all constituents that she came in contact with and continued to work towards improving the quality of life for the people of her community.

Beyond working for elected officials, Mary became one herself in 1989 when she was elected to the Adams Twelve Five Star School District Board of Education. Mary understood the importance of our public education system and worked hard to ensure that every child in her district had access to quality schools. She has served as President and Vice President during three terms on the school board, and I am sure that she will continue to be an advocate for education.

Mary has been a member of my staff since I was elected in 1998. She has continued to help constituents as a caseworker, and her knowledge and experience have been invaluable to both my staff and me. I wish her the best of luck as she continues her journey from

public service to full-time grandmother, mother and wife. On behalf of the people of the 2nd Congressional District, I thank her for all she has done.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

Mr. BLUMENAUER. Mr. Speaker, from Wednesday, July 25 to Friday, July 27, 2001, I was absent due to a personal family emergency and missed a number of rollcall votes.

On rollcall votes Numbered: 270, 271, 273, 274, 276, 280, 282, 284, 285, 286, 287, 288, and 289, I would have voted ''yea.''

On rollcall votes Numbered: 272, 275, 277, 278, 279, 281, and 283, I would have voted ''nay.''

On rollcall votes 270 and 271, I would have voted ''yea'' on both amendments. Like the majority of my colleagues in this House, I support expanded travel for Americans to Cuba. Increasing travel opportunities for Americans to Cuba is a win-win situation for people in both countries, and helps to expand the opportunities to better understand our two cultures and increase exposure to the ideals of American democracy.

Rollcall 271, the Rangel amendment, would have stopped the embargo on Cuba. It should be painfully clear by now that the embargo on Cuba is not working. Castro has ruled the island with an iron-fist for forty years.

Four decades ago, had America interacted, traded, and exchanged ideas with Cuba there is a good chance that Castro would be gone and Cuba free. I see that a large number of my colleagues agree with me, and I hope to work with them in the future to change our nation's outmoded sanctions policy in respect to Cuba.

On rollcall 273, I would have voted ''yea.'' In the past, I have expressed support for private accounts in our Social Security system, but with the understanding that any such proposal accounts for the true cost of transition to a system that includes some element of privatization. I am sorely disappointed in the process and released report by the Administration's Social Security Commission. I believe it has been dishonest in its assessment of the current state of Social Security, and the Administration has unwisely decided to reduce taxes in order to benefit those least in need of tax cuts, thus leaving the government accounts unbalanced. Given recent pronouncements by the Director of the Office of Management and Budget that the Administration may need to dip into Medicare and Social Security to cover its spending proposals, I cannot support the recommendations of this biased panel.

On rollcall 274, I would have voted ''yea'' on the final passage of the FY 2002 Treasury Postal appropriations act. In addition to the numerous important federal programs funded through this legislation, in particular I want to emphasize my support for the inclusion of $16,629,000 to upgrade and retrofit the Pioneer Courthouse in Portland, Oregon.

This historic federal courthouse is the second oldest west of the Mississippi River and serves as the cornerstone to my community's public living room, Pioneer Courthouse Square. Each year over 8 million people visit the Courthouse while participating in adjacent public events, riding public transit which intersects at Pioneer Square, or engaging in nearby public and commercial activities. The funds provided in the legislation will help ensure the safety for the men and women who work in the Courthouse, and the millions of others who enjoy this historic, public structure.

On rollcall 275, I would have voted ''nay'' on the resolution disapproving of the President's recent Jackson-Vanik waiver for Vietnam. Since coming to Congress five years ago, I have been deeply involved in the process of normalizing relations between our nation and Vietnam. Last winter I traveled to Vietnam with President Clinton, and I was present for the signing of the Bilateral Trade Agreement.

Vietnam is a diverse nation that is growing rapidly and opening both economically and culturally. To disrupt the hard work of engagement between our two nations now would be devastating. Were I here, I would have voted against the disapproval resolution, and I hope last week's overwhelming vote against the resolution (91–324) will encourage my colleagues on both sides of the aisle to work together to bring the Vietnam BTA to the floor for consideration.

On rollcall 288, I would have voted ''yea'' on the Bonior amendment to reinstate the arsenic standards put in place by the Clinton Administration. The Public Health Service adopted the current 50 parts per billion arsenic standard in 1942, before arsenic was known to cause cancer. In 1999, the National Academy of Sciences unanimously found that this outdated arsenic standard for drinking water does not ensure public health protection and that a downward revision was required. The Academy said that drinking water at the current EPA standard ''could easily'' result in a total fatal cancer risk of one in 100. That's a cancer risk 10,000 times higher than EPA allows for food, and 100 times higher than EPA has ever allowed for tap water contaminants.

Arsenic is found in the tap water of over 26 million Americans and is one of the most ubiquitous contaminants of health concern in tap water. The new standard put in place by the Clinton Administration last year was the result of 25 years of public comment, debate and at least three missed statutory deadlines. One of the Bush Administration's first actions was to overturn this rule and instead maintain a less protective arsenic standard. I support the Bonior Amendment and hope that its passage will give a clear indication to the Bush Administration of the need to reconsider their position on this issue and take seriously the threat that Arsenic in our drinking water poses to the health of our families and the livability of our communities.

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

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

The House in Committee of the Whole House on the State of the Union 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:

Mrs. JONES of Ohio. Mr. Chairman, I submit for following for the RECORD in support of the amendment offered by the gentlewoman of Ohio (Ms. KAPTUR).

CUYAHOGA METROPOLITAN
HOUSING AUTHORITY,
Cleveland, OH, July 30, 2001.

RE: Public Housing Drug Elimination Grant (PHDEP) Update

Hon. STEPHANIE TUBBS JONES,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSWOMAN TUBBS JONES: I am writing to follow-up on our conversation last week about the Public Housing Drug Elimination Program (PHDEP), and to update you on CMHA's implementation of PHDEP grants since 1996. The following table will provide you with a year-by-year breakdown of the amounts we received, expended and the time frame for the grants.

Year	Grant amount	Expended as of 6/30/01	% Spent	Grant date	End date
2001	2,707,766	.....	.....	.....	.....
2000	2,550,794	168,575	6.6	11/14/2000	11/13/2002
1999	2,447,497	1,553,460	63.5	1/24/2000	1/23/2002
1998	2,756,000	2,745,236	99.6	12/22/1998	12/21/2000
1997	2,777,840	2,777,840	100	12/19/1997	12/20/1999
1996	2,832,250	2,832,250	100	11/19/1996	*5/19/1999

*Not yet awarded by HUD.
*Included six-month extension.

By contrast, HUD allows housing authorities two years to expend PHDEP funds from the date the grant agreement is signed by HUD. With only two exceptions CMHA has expended all PHDEP grant funds during the contract period. Once we received a six-month extension from HUD to fully expend the 1996 PHDEP grant, and once CMHA returned $10,764 (0.4%) of unexpended funds from the 1998 PHDEP grant. Presently, we are on schedule to fully expend the 1999 and 200 PHDEP grants, and HUD has not yet executed a grant agreement for the 2001 PHDEP funds. As you can see from this matrix, CMHA has not allowed funds to go unused, and is, as well as has been in compliance with HUD requirements.

As we have previously discussed, PHDEP funding is essential to CMHA safety efforts and social service programming, and as a reminder, the loss of $2.7 million in PHDEP funding could eliminate CMHA support of the following programs:

- CMHA Police Activities League (PAL), which provides after school athletic programs for more than 700 youth from ages 5-18 annually.
- Boys and Girls Clubs located at four CMHA estates, which provide safe havens for

almost 500 children annually to find fun and recreation.

• Several self-sufficiency programs, which have provided employment opportunities for 100 adults annually through job readiness, job training and entrepreneurial programs.

Adult Outpatient Substance Abuse programs, which have provided services to over 600 residents annually.

Teen Outpatients Prevention/Treatment programs, which serve more than 900 youth annually.

CMHA Police Department's Community Policing and Narcotics/Gangs Units, which employ 24 Police Officers, who are instrumental to CMHA's overall crime prevention efforts.

We have heard that the House mark-up of the FY 2002 Appropriations Bill would eliminate the PHDEP program, and increase the Operating Fund by $114 million to $3.505 billion to help make up the difference. Given that public housing industry estimates indicate that at least $3.5 billion is needed to fully fund the Operating Fund, especially with increasing energy costs, this proposed budget still virtually eliminates $310 million of PHDEP funding available to housing authorities.

Thank you for understanding how the loss of PHDEP funds would severely affect CMHA and our 15,000 public housing residents. We truly appreciate your continuing efforts to preserve this important funding source, and I hope the information provided in this letter answers any questions you or other members of Congress have expressed. Please call me at 216–348–5911 if you have any questions or require additional information.

Sincerely,

TERRI HAMILTON BROWN,
Executive Director.