SENATE—*Tuesday, November 13, 2001*

The Senate met at 10:30 a.m., and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

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

Gracious God, the source of healing in times of grief, we pray for the loved ones and friends of those who died in the crash of American Airlines flight 587. The more we have learned about the 260 people who lost their lives, the more profoundly we have felt the anguish caused by this tragedy. We ask You to comfort their families both here and in the Dominican Republic. Also, we pray for the citizens of Queens, NY, who lost their family members and their homes in this plane crash. Many of the people in this community were heroic firefighters and police who worked so tirelessly to save the lives of others in the World Trade Center terrorist disaster. We live in a violent time of terrorist attacks, human and mechanical failures. Quiet our agitated hearts so we can turn to the work before this Senate today. Strengthen the Senators in their resolve to press on, and all of us in the Senate family with focused attention on the duties of this day. Lift our spirits with the assurance that physical death is not an ending and with the confidence that even now You are comforting those who are enduring the ache and pain of momentous grief. In the name of Him who is the resurrection and the life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PATTY MURRAY 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, November 13, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, as we move to the business at hand, we will begin consideration of S.J. Res. 28, regarding budget points of order. There is a 2-hour time agreement.

The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences. At 2:15, the Senate is expected to begin consideration of the stimulus bill. At 4:45 today, the Senate will conduct 15 minutes of debate on the nomination of Edith Brown Clement to be United States Circuit Judge for the Fifth Circuit. At 5 p.m., the Senate will conduct two rollcall votes, first on the Clement nomination and second on passage of S.J. Res. 28.

Madam President, all Senators know we are going to do our very best to recess as early this week as possible for Thanksgiving. We have a tremendous amount of work to do. It will take cooperation on both sides. We hope Senators will recognize there are many important items we have to address today, beginning with debate on the stimulus package. This will go over until tomorrow. We have important conferences. Commerce-State-Justice has been completed. The Agriculture conference has been completed. As soon as the House takes action, we will.

If there were ever a time for people to set aside partisan differences, it would be during this week. We hope that will be the case. The majority leader indicated we will work as long as people want to offer amendments, into the evening if necessary, and move forward as quickly as possible.

RESERVATION OF LEADER TIME

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

SUSPENSION OF CERTAIN PROVISIONS OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S.J. Res. 28, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 28) suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The ACTING PRESIDENT pro tempore. Under the previous order, the statutory time limit has been reduced to 2 hours to be equally divided and controlled between the chairman and the ranking member of the Budget Committee or their designees.

The Senator from North Dakota.

Mr. CONRAD. Madam President, last Thursday, the Budget Committee reported this joint resolution which would suspend several budget enforcement mechanisms. We reported unfavorably in the Budget Committee by a unanimous vote of 22-to-0. I am certain people wonder why we have a resolution that the budget committee rejected unanimously; how that can happen.

It happens because it is required by law to bring this matter to the floor, even though the Budget Committee has unanimously rejected its elements. The reason for that is, whenever economic growth is below 1 percent for two consecutive quarters, the balanced budget amendment requires that the Congressional Budget Office should issue a low-growth report. They did that on October 31.

The Senate is now required to consider this joint resolution which would suspend five budget enforcement mechanisms. Those mechanisms have elements as follows: points of order against tax cuts or spending that violate the budget resolution; the discretionary spending cap point of order; the point of order enforcing 302(a) and 302(b) spending allocations; the point of order against amendments to reconciliation bills, unless the amendments are deficit-neutral; and sequestration of discretionary and mandatory spending. All of those things would be tossed out and would not apply if we accepted this resolution.

Senator DOMENICI, the ranking member of the Senate Budget Committee, and I, and our Budget Committee colleagues, on a bipartisan basis, are united in opposing the resolution and urge all Senators to vote to defeat it. As I indicated, the Senate is required to take up this resolution. It is required by the Budget Act. However, it would be a mistake to adopt it because that would take away all protections to maintain fiscal discipline.

The economic rationale for suspending budget enforcement procedures during periods of low economic growth is that such procedures might make it more difficult to enact stimulative measures quickly. We have already seen that Congress has responded quickly to enact $40 billion in supplemental emergency spending. It is important to weigh the real risk that long-term budget discipline will be undermined against the question of putting in place this resolution.

I believe in current circumstances that the risk is too great and it does not make sense to suspend these elements of budget discipline to provide for the easier passage of tax cuts or additional spending. Again, we have seen Congress act quickly to put in place stimulative spending. We have seen Congress act quickly this session to put in place tax cuts.

When the chairmen and ranking members of the House and Senate Budget Committees issued their principles for economic stimulus a month ago, we recognized that we were facing extraordinary circumstances and that Congress and the President would provide the resources necessary to respond to the events of September 11. I am certain our budget enforcement procedures will not prevent that from happening.

I think every Member of this Chamber understands that our top priority is to defend this Nation. In addition, we must work to rebuild that which has been destroyed and we must be prepared to counterattack those who, in such a vicious way, have engaged in a sneak attack on our country.

We also recognize that an economic stimulus package should not undermine long-term fiscal discipline, which is essential to sustained economic growth. I believe preserving our budget enforcement tools will be very important in helping us to adhere to this critical overall principle.

Policies that adhere to the principles laid down by the joint House and Senate Budget Committee leadership are not likely to be held up by our budget enforcement procedures. In contrast, proposals that violate the principles, especially those that worsen the long-term budget outlook by imposing substantial outyear budget costs, should be subject to normal budget procedures.

The suspension resolution would have us decide now, in one fell swoop, whether to suspend budget enforcement for the next 2 years. I think it is very important that everybody understand what would happen if we went against the recommendation of the Budget Committee and threw out these budget procedures. There would be no protections, no special protections for fiscal discipline for the next 2 years. I think such a blanket waiver would be most unwise. We will be much better off if we continue to look at each bill and amendment individually and retain the ability to invoke budget enforcement procedures against those that threaten our long-term fiscal discipline. This is a fundamental way we protect the integrity of the trust funds of Social Security and Medicare for the long term.

I might add that passing this joint resolution would be unprecedented. We have only gone through this once before, in 1991, the last time the economy was in recession. At that time, the Congressional Budget Office issued three successive low-growth reports leading to the introduction of three resolutions to suspend budget enforcement procedures. Each time, the Budget Committee reported out unfavorably and the resolution was defeated overwhelmingly on the Senate floor in bipartisan votes.

The Senate made the right decision then, and we should make the same decision now. We have the will to enact a stimulus proposal. In fact, one will be on the floor this afternoon. We have the ability to do that under normal budget procedures, and it is critically important to maintain our long-term fiscal discipline.

If there is one thing every economist has told us who has come before the Finance Committee, of which I am a member, and the Budget Committee, of which I am a member, it is that we need to couple short-term stimulus with long-term fiscal discipline. It is that combination of policies that is most likely to allow us to emerge from this economic slowdown.

I refer back to what happened in 1991 because I think it is important for our colleagues to know this. In that year, on three occasions these resolutions came before the Budget Committee and then came to the floor. These resolutions were the same as the one we consider today. They would have suspended all of the budget enforcement procedures.

Here is what happened in the Budget Committee. On January 24, 1991, they reported unfavorably, in a vote of 21-to-0 on that resolution. Then the full Senate voted on January 31, and they defeated it 97-to-2.

I think the record with respect to what occurred is very clear. The same thing happened on May 7, when the resolution was taken up again. A second low-growth report was issued by the Congressional Budget Office, and on May 7 the Senate considered it and defeated it 21-to-0, reporting it unfavorably on a unanimous vote.

The Senate took it up on May 9, again under special procedures, and rejected it 92-to-5. Again, on September 12, another low-growth resolution came before the Senate Budget Committee and it was rejected on a vote of 19-to-2. That one came to the floor of the Senate and was rejected 88-to-8.

I think it is clear that the Senate has determined these procedures ought not to be abandoned, even at a time of sharp economic slowdown, certainly not in the circumstances we face today. So we are here to vote on this joint resolution because the Balanced Budget Act requires us to do so. But Senator DOMENICI and I are united in our strong opposition to the joint resolution. We are joined in that position by every member of the Senate Budget Committee. On a unanimous vote we reported this resolution unfavorably and urge our colleagues to reject it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I will be brief. I have a few remarks.

First, S.J. Res. 28 is an automatic resolution. It is required to be introduced by the majority leader and considered by the Budget Committee and the Senate under expedited procedures. That is why we are here today. The resolution is automatic when the Congressional Budget Office notifies the Congress of an economic slowdown, as described in the Budget Act. On October 31 the Department of Commerce of the United States advanced the preliminary report on real economic growth. It showed the economy in the third quarter shrank at the annual rate of .4 percent, the largest fall since October of 1991. The report, which will likely be revised downward even more come the January report, triggered the Congressional Budget Office notification of low growth and subsequently triggered the introduction of the resolution before us today.

The provision in the Balanced Budget and Emergency Deficit Control Act of 1985, sometimes referred to as the Gramm-Rudman-Hollings Act, that necessitated the reporting of this resolution was simply that we did not want to initiate major spending cuts in a time of recession.

I might add, the same section of the law that suspends spending cuts in a time of recession also covers events of war.

S.J. Res. 28 was reported unfavorably from the Budget Committee, as indicated by the chairman of the Budget Committee in his remarks just a few moments ago preceding these. The committee is required to report the resolution without amendment, to be discharged without comment. I concurred with the chairman that the committee should express its disfavor with the resolution to send a signal to the full Senate to disapprove it. I understand a vote on this resolution is scheduled for 5 o'clock today. I ask the Senate to join the chairman of the Budget Committee and me in disapproving the resolution.

If this resolution were somehow to make it to the President for his signature—which he would not sign—it

would effectively eliminate all fiscal discipline, all the enforcement tools we have in Congress all the way through September 2003. I do not think we need to take such drastic action. I think we understand the situation and we can act accordingly on our own, in a normal manner, to take action that is required by the facts as we find them, quarter by quarter. I do not think we need to take the drastic action that is contemplated by the resolution.

Having taken this position on a bipartisan basis, however, does not mean we should not act to address the economic slowdown and the war on terrorism, and I believe the distinguished chairman has indicated so to the Senate. We must take action on the war on terrorism, and obviously with appropriate legislation we must act against the economic slowdown with some kind of a stimulus package that, indeed, could clear this Senate and that would be acceptable to the President of the United States.

We indeed must move in that regard. I understand the Senate's calendar contemplates that we move in that direction. Whether we can reach an accord or not is still another subject.

In my view, the United States is in a recession, a recession that started even before the September 11 attacks of terrorism on the United States.

Industrial production figures through September were down for the twelfth consecutive month. This is the longest decline in industrial production since World War II. Some of us have been talking about that for quite some time. Economists in the United States have been back and forth, but clearly nobody has been giving high marks to the economy. Whether they want to call it a recession or not, clearly it is not in the best of shape.

We must take action as soon as we can get ourselves together. Some must lead in this institution so that we can do something anti-recessionary that is significant in the short term and in the long run take the right kind of steps.

The unemployment rate has risen from 4 percent at the end of last year to 5.4 today, and it is rising. In October alone, we lost over 415,000 jobs, the biggest percentage increase in joblessness in more than 15 years. The Federal Reserve Board has cut short-term interest rates and the discount rates to the lowest level since 1961 and 1955, respectively. Yet even with these low interest rates, most private companies are having a tough time getting credit—a very interesting phenomenon.

Commercial and industrial loans are down compared to last year. I believe it is going to take some time for our country and the world economy to work on its current problems. Restoring lost confidence will play a key role in the recovery. But working off the excess capacities that built up during the boom period of the 1990s will also be important. We must also maintain the tools of fiscal discipline to convey to the American public and the market that we are keeping an eye not only on the current challenges we face but also on those longer term challenges.

We must maintain the provisions of the Budget Act that provide us with future discipline, and we must deal with both tax and spending legislation today while waiving the Budget Act on a case-by-case basis. I believe that is what we are recommending when we recommend the vote that the Senate should take this afternoon.

Later today we will be considering a bill called the Economic Recovery and Assistance for American Workers Act of 2001 which was reported from the Senate Finance Committee last week. The bill was reported on a partisan basis with no Republican support. It will be subject to a Budget Act 60-vote point of order. But any Republican alternative will also be subject to this same supermajority vote.

These 60-vote points of order would go away if this resolution were to become law. But in an interesting way, with the Budget Act points of order in place and with an almost evenly divided Senate, we are forced to work on a bipartisan basis in order to achieve the 60 votes necessary to enact proposals for spending increases or tax cuts. We all know the only way we are going to produce real stimulus legislation that addresses the economic slowdown is to work together as Republicans and Democrats. I hope we will do that.

We started off right after that ominous day working together, arm in arm, hand in hand. In fact, the people of America looked at us and said: That is fantastic; we haven't seen much like that in a long time.

Now we need to get our argumentative and partisan nature out of the way in the next few days and get on to something that we must do for America and for our people. We need a stimulus package. We need it badly. We need to show the public we can do it together with our President as we did immediately after the acts of terrorism when we did things that we didn't even believe we could do as we look back on them. Some of them were rather hurried. Some might not have been the right medicine. But I think overall the confidence that came from it justified it. It served us well. It will pay significant homage to the Senate in a bipartisan way, as we acted in the public interest exactly at the right time. Let's do it one more time.

We are not going to approve the bill that came out of Finance. We both understand that. If the Republicans have a Republican proposal that doesn't seem as if it will pass, maybe out of those actions will come something better—maybe something that will really work, and I hope it will. I hope I can be part of that. I am not on the committee that is doing the work. Good luck to them. I hope they can get it done. In the meantime, we ought to start thinking together about what might take place with the proposals coming out of the committee in the event the sequence that the chairman and I discussed this morning is going to happen.

If that happens, we certainly cannot leave the floor and be angry at each other, saying: Too bad. We are mad at them and they are mad at us, and it doesn't matter what happens to America.

That can't be the case. We can't do that. I am very hopeful we will not and that within the next 2 days out of this partisan approach will come something much better—something bipartisan that will do the job.

I thank the chairman for making his remarks brief so I could make mine. I state to the Senators that I am not going to be here for the entire time. I will leave for a while and be available very shortly. The chairman is aware of that. He understands that if anyone wants to be heard on our side, they should come down and seek recognition. I am here now saying to any Republican who wants time within our time limits that they are allocated the time by me unless there is objection. If there is none, that is what we will do on our side.

Madam President, thank you very much. I thank the chairman.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I thank the Senator from New Mexico, the ranking member of the Budget Committee and the former chairman of the Budget Committee for his remarks, and for his strong support in rejecting the resolution that would abandon fiscal discipline. I think this is another example of our working together in a way that is absolutely great for the country.

After the series of events on September 11, the House and Senate budget committees and Senator DOMENICI and I joined with our House colleagues. We met together to give an update to our colleagues on the fiscal condition of the country. We met with the head of the Office of Management and Budget. We were able to give a report to our colleagues on where we stand at the moment.

We also agreed on a set of principles to apply to a stimulus package. We were able to do that on a bipartisan basis, and I might say without a raised voice and without an angry word between us. We weren't in perfect agreement; certainly not. We compromised. But we did in the end come together around a set of principles that we thought were important.

One of the reasons we thought it was important to come together was that

we believed our Nation needed a stimulus package. I think the evidence overwhelmingly proves that is the case.

This chart shows what has happened to economic growth from 1999 to the most recent quarter. What has triggered our being here today are these last two quarters where you can see that we are below 1-percent growth. We are at .3 percent in the quarter previous to the most recent one. During the most recent one, we saw a negative growth in the Nation's economy. That triggered the resolution that has brought us here today. The Budget Act requires that when you have two quarters of low growth, you then must consider in the Budget Committee and on the floor these provisions to suspend all of the budget points of order—those things that we use to maintain fiscal discipline.

All of the indices are telling us that the economy has hit a difficult period. We can see what happened to civilian unemployment. We can see back in 2000 that we were down at less than 4 percent—a remarkable period. In fact, we are at the lowest level of unemployment in this Nation in 30 years.

But look at what has happened since. Look at what has happened since the events of September 11. Unemployment has risen dramatically, and is still rising. The distinguished occupant of the chair knows this well. She represents the State of Washington. One of the major employers there is Boeing. Boeing has announced the layoffs of tens of thousands of their employees. That is through no fault of theirs. It is not through any inability to compete, but it is because hundreds of contracts for airliners have been canceled by the airline industry. Their loads have been reduced 30 to 50 percent. That is the economic reality for one critical industry in this country; and it is very serious business.

It is not just the airline industry. It is industry after industry that is engaged in massive layoffs. I recently met with financial leaders in New York. They told me they are in the process or getting ready to lay off 20 percent of their employees. These are major financial institutions in this country and in the world, and they are getting ready to lay off massive numbers of their employees because of the economic slowdown. Those numbers are not yet seen in this increase in unemployment that is already in evidence.

It does not end there because we also see consumer confidence has plunged. This chart shows consumer confidence—going back again to 1999, and coming forward to the most recent data—has gone to the lowest level since February of 1994. So clearly, we are being victimized by a very serious economic slowdown.

We know the economy was weakening before September 11, and that the attack on this country on that date further weakened our economy. And now we see a very serious circumstance develop.

It is critically important that we respond with an economic stimulus package. It is also critical, we believe, that we couple that with long-term fiscal discipline. One part of maintaining long-term fiscal discipline is to maintain the structures in the law that help us to keep in place fiscal discipline. And those are the very things that would be thrown out if this resolution before us is adopted. But we have no alternative but to consider it. Even though the Budget Committee rejected it on a unanimous vote—a totally bipartisan vote—we still understand that if we do not reject it here, it would go into place if the House took similar action and it got to the President and he signed it. I do not believe any of those things will happen. It is not going to pass here. It would not pass in the House. The President would not sign it because it would be a serious policy error.

I know some will say: Gee, why were these procedures put in law? Why is it a requirement that the Budget Committee take it up? Why is it a requirement that it come to the floor under expedited procedures for a vote? The reasons for that are very simple. The concern was, if we got into a serious economic downturn, that there might be a failure to act, that we should not have any hurdles in the way of Congress acting.

That may not be such a bad thought under certain circumstances. We might find ourselves someday in a situation in which we are being blocked from taking action that the majority of us thought was absolutely necessary for the economy to recover. That is not the case now.

We have seen already a stimulus package pass in the House of Representatives. Although some of us would strongly disagree with that stimulus package, we know we are going to be considering a stimulus package on the floor of the Senate this afternoon. We also know we have already taken bipartisan action to provide $40 billion of assistance to New York and additional funding for defense and intelligence and the funds and resources necessary to combat terrorism. So Congress has taken rapid action, and has demonstrated the ability to act. Beyond that, we also recognize that Congress has acted in terms of support for the airline industry which has been so devastated by the events of September 11 and the aftermath.

We know that Congress can act, that Congress is going to take the additional steps necessary to give lift to the economy, but we also know it needs to be in the framework of long-term fiscal discipline. Some of us believe—I certainly do—one of the worst things we could do is to take action on long-term changes in our funding and in our tax structure to respond to an immediate downturn, that that could hurt this country very substantially going forward.

We do not want to deepen the hole we already see developing. We can see very clearly that this country faces a serious fiscal challenge going forward. We have already projected that we will be using literally hundreds of billions of dollars of Social Security and Medicare trust fund money to pay for the other functions of Government. That is a mistake. That is not a route we should go down, but that is where we are headed. And to abandon these fiscal disciplines, in the face of an already serious long-term fiscal problem, would be a very serious mistake.

So colleagues, I hope very much that when we vote at 5 o'clock this evening, that this body will follow the leadership of the Budget Committee in rejecting the resolution that would eliminate all of these budget enforcement mechanisms.

Later on this afternoon we are going to consider the Senate version of a stimulus package. As I indicated, on a bipartisan basis, those of us who have the most responsibility for the budget aspects of what we do here—the leaders of the House Budget Committee and the Senate Budget Committee—agreed, on a bipartisan basis, that we should have a stimulus package and we should give lift to the economy in the short term when it is needed, but we should also couple that with long-term fiscal discipline so we do not go deeper into the trust funds of Social Security and Medicare, so we do not put upward pressure on interest rates that could undo all of the good that is attempted to be accomplished by a fiscal stimulus package.

With that, I, again, call on my colleagues to join us in defeating this resolution that is required to be brought before us by the Budget Act, that has already been rejected by an overwhelming bipartisan, unanimous vote in the Senate Budget Committee.

We will have the opportunity to consider that at 5 o'clock this evening. We hope our colleagues in the Senate will join us in a commitment to long-term fiscal discipline.

(Mr. EDWARDS assumed the chair.)

Mr. DURBIN. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DURBIN. I thank the Senator. I do not know what the time constraints are for this debate, but I wish to briefly make a point or two. As a former member of the Budget Committee and someone who has followed Senator CONRAD as the new Chair of the Budget Committee, I think you have won a deserved reputation for the kind of fiscal discipline which has really helped this country so much in the last 10 years.

We were able to finally break away from the old deficits in the national debt, which was growing at an unprecedented rate. We saw, over the last 8 or 9 years, an amazing convergence of fiscal discipline, creating annual surpluses and a booming economy, two things which I think the American people would applaud, in terms of economic policy, as the most important things we could achieve.

I think the Senator from North Dakota has been outspoken, as have many of my colleagues, in opposition to some of the tax cuts that have been proposed. Although they are appealing to those who might receive them, you have to take a look and see what they achieve for our economy and what they cost us in the long run.

If I understand the Senator from North Dakota in what he is saying today, it is that, as we try to move toward something that truly moves the economy forward, we should not do it at the expense of the Social Security trust fund, the Medicare trust fund, or long-term deficits. We do not want to see ourselves back into that deficit situation.

I will tell the Senator my concern, and then I will ask him for his response. The House stimulus plan, which gives over $25 billion to the biggest corporations in America—one corporation, IBM, receiving $1.4 billion in tax breaks—money that is clearly being given to this corporation, not to build a plant or hire more people but simply as a reward for whatever—and then with the Senate Republican plan, which tries to provide additional tax cuts to the highest wage earners in America—both of these plans will fail to stimulate the economy but will drag us down in terms of future potential deficits.

I would like the Senator, if he could, to contrast what he thinks is the most important effort we can make now to stimulate the economy without driving ourselves back down into deficit.

Mr. CONRAD. Well, I thank the Senator for his question. As I indicated earlier, on a bipartisan basis the House budgeteers and Senate budgeteers agreed to a set of principles to apply to any stimulus package. We did that, and we did it without an angry word exchanged. I applied those principles to what the House package for economic stimulus was. What we found was that it failed every one of the tests we had agreed to apply.

We said the proposal should sunset within 1 year so that we didn't dig the fiscal hole deeper in the outyears. The House bill, unfortunately, fails that principle because 71 percent of its total costs are permanent tax cuts—permanent tax cuts, not temporary measures—designed to lift the economy now, but permanent tax cuts.

Second, we said a substantial portion of the fiscal stimulus should be out within 6 months. If you are going to give stimulus to the economy, you need to do it quickly. In our history, we have found that every time we have tried to use a fiscal stimulus to give a lift to the economy, we have been too late. That is the history. So we said let's not be too late this time, let's get the money out in the next 6 months when we know we face a problem. Unfortunately, looking at the House package, 40 percent of the 10-year cost occurs after the first year. So, unfortunately, it flunks that test.

Third, we said the size should be about $60 billion. The House bill costs $160 billion over 10 years. And targeting—we said the stimulus should go to those most likely to spend the dollars and those most vulnerable in an economic downturn. If you look at the House bill, 35 percent of the tax cuts go to the wealthiest 1 percent; 35 percent goes to the wealthiest 1 percent. Now the problem with that is the wealthiest 1 percent are the least likely to spend the money. That is the whole idea of stimulus—to give lift to the economy. Only 19 percent goes to the bottom 60 percent of taxpayers under the House package. They are giving crumbs to those at the lower end of the economic ladder, who are the very ones most likely to spend it.

Every economist who has come before us has said: Look, get money into the hands of people and companies that will spend it. Don't do what the House did. Part of their package, as the Senator from Illinois referenced, would write a $2 billion check to a major automobile company in America and $1.5 billion to another large industrial company in this country—not to hire people or to invest, but to just write them a check.

Amazingly enough, so much of their package has nothing to do with the current economic downturn. It has to do with writing checks to wealthy companies and wealthy individuals, and every economist we have talked to has said that can't be taken as a serious stimulus package.

Mr. DURBIN. Mr. President, I ask the Senator this question: When you put it in terms of what they actually do, when you say the Republican approach in the House and Senate favors large corporations and the wealthiest Americans, while the Democratic approach tries to provide a benefit to working families, to those who have been recently unemployed, and to smaller businesses to deal with depreciation, clearly what emerges from this is a question of justice and fairness. Why in the world would you reward a profitable corporation with over a billion dollars in tax cuts when they don't even promise to create a job? Why would you send a massive amount of tax rebate to somebody making a million dollars a year when, clearly, they are not sacrificing, and then ignore those who are struggling?

That justice and fairness argument is one that we have heard on the floor. I have made it myself. I think most people would react positively to it. We are talking about stimulating the economy, and a question that has to be asked and answered is: Regardless of to whom you give the money, will you get the desired result? If you gave the money to the wealthiest corporations, whether it was fair or not, and America's economy went flying forward, you would say it worked; conversely, if you gave it to those who were recently unemployed, whether it was fair or not, and the economy moved forward, you would say it worked.

Let me ask about the economic effectiveness of the approach of the Republicans versus the approach of the Democrats when it comes to stimulating the economy.

Mr. CONRAD. I don't think there can really be any question about which approach is going to be more effective from an economic standpoint. What virtually every economist who has come before the Finance Committee and the Budget Committee has told us is the following: No. 1, you need to get the money out there into the hands of people and companies quickly so that it gets spent. That is what will stimulate the economy. So to the extent you are getting money into the hands of people who are the most likely to spend it and companies that are the most likely to spend it, you are getting the job done, you are stimulating the economy.

So with respect to individuals, it doesn't make much sense to give the lion's share of the tax cut to the wealthiest because they are the least likely to spend it. Therefore, they are the least likely to stimulate the economy. With respect to companies, it doesn't make much sense to write billion-dollar checks to companies that are already profitable because, again, they are the least likely to spend the money that will stimulate the economy.

Unfortunately, that is what the House Republican package does, as I have indicated, overwhelmingly. Beyond that, they also suffer from the second part of the equation. The first part of the equation is to stimulate the economy in the short term, give it a boost, a lift. The test is getting money into the hands of individuals and companies quickly who will spend the money. That is the economic test.

On the longer term question, every economist, including Chairman Greenspan and former Secretary Rubin, has told us: But you have to couple that with long-term fiscal discipline. You have to demonstrate to the markets that you are not going to just go out and spend money and undermine the tax base and make our long-term fiscal condition worse, because that will put upward pressure on interest rates and

you will undo all of the good you are trying to accomplish with a short-term fiscal stimulus. If you abandon fiscal discipline for the long term, that has the effect of raising interest rates; that has the effect of smothering the economy.

So we have to be smart about this, and we have to adopt two principles: One, yes, stimulate the economy in the short term, but, two, couple it with long-term fiscal discipline so we don't put upward pressure on interest rates and don't undo what we are trying to accomplish.

Mr. DURBIN. Mr. President, I ask the Senator to yield on this question as well: We have focused our discussion this morning on the question of tax policy and the impact of tax cuts on the people or companies that receive them. I want to ask the chairman of the Budget Committee to reflect for a moment on the difference between tax cuts and spending programs at this moment in our economy.

One of my colleagues noted that last night on the television they had the scroll that went across the screen and it said the difference between the economic stimulus package is that the Republicans are for tax cuts and the Democrats are for spending. That certainly doesn't express the contents or the direction of our own stimulus package, which includes tax cuts for working families as well as spending.

Could the Senator reflect on the effectiveness of spending contrasted to tax cuts when it comes to stimulating the economy? What value is there to providing a tax break of $1.4 billion for a major corporation, as opposed to saying we are going to take $1.4 billion and invest it in America? As a contrast, President Bush has proposed that to deal with bioterrorism we should give to State and local public health agencies nationwide $300 million.

That is supposed to respond to our concerns about bioterrorism. I think that is woefully inadequate.

Interestingly enough, the House Republican stimulus package gives $1.4 billion, almost five times as much, to one corporation, with no promise they will do anything in return.

So will the Senator from North Dakota comment on the use of spending for such things as school modernization, improving law enforcement at airports, protecting our infrastructure, and investing in public health to deal with bioterrorism as an economic stimulus?

Mr. CONRAD. I am happy to. We had a hearing on this before the Senate Budget Committee. We had very distinguished economists from both sides come and give their testimony. It is very clear, both tax cuts and spending can be stimulative.

The first test is: Do they get out in time to be stimulative? That test applies to spending and to tax cuts. The first test is: Do they get out in time to give lift to the economy when it is weak, No. 1?

No. 2, the question is: Do they go to companies and individuals who will spend the money or invest the money? Because if people save the money, that is not stimulative to the economy in the near term. So that is critically important.

This is not a question of tax cuts versus spending. Our proposal on the Democratic side has a combination of tax cuts and spending, but they are designed to meet both principles, No. 1, that it gets out quickly and, No. 2, that it goes to companies and individuals who will actually spend or invest the money to stimulate the economy.

With respect to tax cuts on the Democratic side, the package of tax cuts we have endorsed include the following: bonus depreciation. Now, why are we doing that? Why are we giving a bonus if one buys capital goods now? If a company makes an investment now to buy equipment, why do we give them a bonus on the depreciation? The reason is, all of the economists who came before us said behavior has to be changed. People who are not buying now have to buy. One way to do that is to give bonus depreciation. Actually, that provision is common in the two approaches, the Republican approach and the Democratic approach.

No. 2, we provide for what we call net operating loss carrybacks so a company that has been hard hit by the events of September 11 and has losses now but had income in previous years can take back the losses now and get a refund against earnings in previous years. That is a provision that is common between the two sides.

The third provision we have is to increase expensing for small businesses. Small businesses that now expense can write off $25,000 worth of purchases a year. We increase that to $35,000. Again, that is a provision common to us both.

The fourth tax cut that is in our plan is to provide rebates to those who were left out of the last round. People who pay payroll taxes but not income taxes, they were left out. They did not get anything last time. They are, by the way, the very people most likely to spend the money to actually stimulate the economy.

So those are provisions that are in our bill, that are in the Republican bill as well, with some differences, because both of us recognize those are stimulative.

In addition, we have some spending provisions on homeland security issues. What we are talking about with respect to homeland security is strengthening security at airports, strengthening security at harbors, improving local law enforcement. Those are things the economists have told us may give a double hit. That is, not only will the spending be stimulative but if people are given a greater sense of security and, in fact, improve their security, that will also help the economy, because one thing we are suffering from now is a lack of confidence, a reduction in consumer confidence.

Frankly, people do not feel safe. That is inhibiting air travel. That is inhibiting economic activity. So to the extent we have spending, that stimulates the economy because it is moving into businesses and buying goods and services from them but it also gives people a greater sense of security that may be the most stimulative part of the package according to economists who came before the Senate Budget Committee.

Mr. DURBIN. I might say to the Senator from North Dakota in asking another question, it seems the point he made is critical, and that was reflected in a piece that appeared in the Washington Post over the weekend by Joseph Stiglitz, in which he talked about the impact of anxiety on the economy. At one point he said, ''Anxiety impedes investment.'' Certainly we know that anxiety breeds pessimism. So what we are trying to do in the economic stimulus package, from the Democratic side, as has been described by the Senator from North Dakota, is to provide tax cuts and tax rebates to the people who can use them, who will spend them for the things they need to survive, as opposed to the Republican approach in the House, which is to give tax cuts to corporations with no strings attached, over a billion dollars that might not result in a single new job, perhaps more dividends for the shareholders but no guarantee of a single new job.

So the tax cuts we are for are focused on the people who will spend them effectively to get the economy moving, and then the spending part of our proposal is focusing on homeland security, issues that genuinely concern people, whether we are talking about bioterrorism and making certain we have a response to it or improving and enhancing law enforcement so wherever we might go there will be an adequate response.

Yesterday I was in New York City when the plane crashed. At that point, they closed everything. They closed down the airports. Many of us changed our plans and rushed over to Penn Station to get the Amtrak train back to Washington. Trains were so crowded many of us had to stand the whole way. It was an indication people were concerned, and they responded to that anxiety by changing their habits. Instead of taking the airplane, they came to Amtrak. That sort of thing is happening across America in ways large and small.

Is it the belief of the Senator from North Dakota that in putting investments in this homeland security we are not only stimulating the economy by putting people to work to do the things

to improve aviation security but we are also trying to build confidence back in this economy which has been shaken not only by bad economic news but by the news since September 11?

Mr. CONRAD. Precisely. I do not know what could be more clear. There are some on the other side who will stand up and decry spending. I did not hear them decrying spending to increase our military preparedness. I think we are all joined as one, understanding we have to strengthen our military to respond to what is happening. But it is not our uniformed military that is on the front lines of response to this crisis. It is also our firefighters and our policemen and all local law enforcement, and those elements of this fight against terrorism need to be buttressed.

Does anybody doubt we need to add money to fight bioterrorism? Does anybody really believe we are prepared to do all of the things necessary to cope with bioterrorism? I do not believe there is a single Member who can possibly believe we do not need to spend more money to protect ourselves against anthrax and smallpox and all the other things that could be used as weapons against this Nation.

Now, that happens to give a double hit. Not only is that spending stimulative to the economy because it buys goods and services; it also provides people greater protection, and we need to do that. We need to strengthen national defense. We need to strengthen law enforcement. We need to strengthen our ability to wage war against those who would engage in terrorist attacks against us.

Yes, that is spending but it is spending for a purpose, and it is an important purpose.

Mr. REID. Will the Senator from North Dakota, the manager of this bill, yield for one question? I will be brief. The Senator has about 15 minutes.

Mr. CONRAD. I am happy to yield to the Senator from Nevada.

Mr. REID. I have heard the Senator from North Dakota and the Senator from Illinois speaking about security and how people feel. I think something that would not cost any money but would be good for the economy is do something about airline security, which has been floating around now for more than a month. We had the terrible incident September 11, with over 6,000 people killed. We had this terrible accident.

This bill is being held up because they don't want people to have the same protection as the firemen and police who lost their lives in New York protecting innocent people.

Do you think it would create economic security if we had airline security?

Mr. CONRAD. Again, I don't know what could be more clear. What some are endorsing is a continuation of the policy that failed catastrophically on September 11. Some would say that system is good enough; stay with the status quo and have some of these same private contractors, who have failed abysmally, continue.

We saw an incident with one of the companies in Chicago where a guy got on board with seven knives and a stun gun. That system is not working. I don't know what could be more clear. We need tighter airport security. That costs money, but it is an expenditure that we need to make. Yes, it will stimulate the economy. More than that, it will provide greater security to the American people.

As chairman of the Budget Committee, I have had many people come to me with things that need to be done to strengthen local law enforcement, strengthen our national defense, strengthen protection of our borders through the Border Patrol. Those need to be done. We need to do a better job of policing those who come into our country with visas. Right now people come and say they will go to school and nobody checks to see if they showed up at school.

One terrorist who engaged in the attack on September 11 was scheduled to go to a school and never showed up. We have no system for tracking to find out if somebody doesn't show up, why they didn't show up. That costs money. That also will strengthen the security of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I think we are all unhappy with airport security. Despite all of its failings, the private security company and the private airline did catch the guy; and then Government employees came, law enforcement officials, and let him go. We had to go back, find him, and arrest him.

Eight people were fired on the spot as a result of the mistake. If they had been civil servants, they could never have been fired.

The debate is whether we are basically going to add a political rider on airport security. The political rider is to force the President to use Government employees alone. It seems to me that is a political agenda, and it is not a safety agenda. We ought to give the President flexibility. Where Government employees work, use them. Set Federal standards and enforce them. Where private contractors work, and work better, use them.

We have heard all the talk about the Republicans in the House who have this strange idea that if we provide lower taxes, it will induce people to work, save, and invest. All this talk about it being distinctly inferior to the Democrat Senate bill which provides subsidies to watermelon production, bison meat, distilling rum in Puerto Rico and the Virgin Islands, new subsidies for tobacco, and tax cuts for people who don't pay taxes. I guess beauty is in the eye of the beholder. It is up to the American people to decide what makes good economic sense and what doesn't make good economic sense.

We will have an opportunity later today or tomorrow to debate this issue. I do not believe the American people are going to buy this grab bag of spending as a stimulus package. It is always interesting to me, having watched this whole process now going on 24 years, that every time something new happens, everybody in politics goes back and takes all the old, tired, rejected ideas they ever had and dresses them in new clothing. The new opportunity now is stimulus. All the old ideas that never passed the laugh test in the past now have come forward as part of the stimulus package.

I hope we will get serious. I hope we will write a bipartisan bill. I certainly intend to support that.

I didn't come over to talk about those things today. I came to talk about the resolution before the Senate. Under the old Gramm-Rudman law, one of the compromises in getting it adopted was a triggering mechanism where, if you had low economic growth or a projection of low economic growth, there was an opportunity for Congress to opt out of binding restraints on deficit spending. I am pleased we are deciding through the recommendation of the Budget Committee not to opt out of those binding constraints. I congratulate the chairman and the ranking member for their support to vote no on the resolution. I will certainly vote no on it.

However, this is largely symbolic. We are in one of the great spending sprees in American history. Since September 11, we have had a dramatic swing from a commitment to balance the budget and reduce debt and save Social Security to ''anything goes'' in the way of spending.

Obviously, we were all affected by September 11. I don't think there is any opposition anywhere to doing what we need to do to hunt down and kill these terrorists and to try to help people who were hurt by the terrorists and whose lives have been diminished, wrecked, or lost as a result. However, nobody can claim all of the add-on spending has anything to do with terrorism. What we are going to have to decide pretty quickly is if we have completely given up our commitment to balancing the Federal budget and paying down debt. The only way we can show that is not through some resolution which, again, I applaud. I certainly would be unhappy if we were supporting the waiving of these old budget restrictions which represent the only protection we have against deficit spending, but I would have to say we are now in a situation where appropriators in both parties—it is almost as if

we have three political parties: Republicans, Democrats, and appropriators—are saying even though the President believes he can complete the year with the $40 billion we have given him to deal with September 11, we are going to force him to take all this money.

The President has said after the first of the year, if it becomes clear he needs more money, he will come back and ask for it and—what I think is even better—tell us what he wants it for. There seems now to be a mad rush to force-feed the President into spending money.

I hope, first of all, we will reject the resolution today, disapprove it, and when we vote on all this new spending, we will remember the gesture we made today, and when a point of order is raised against this new spending, as it will be, we will sustain that point of order.

Finally, simply drifting back and not getting into debate with the very able chairman of the Budget Committee, it is clear the stimulus package that passed the Finance Committee can't pass on the floor of the Senate. I don't believe it has 51 votes, but it certainly does not have 60. I simply urge the majority leader and the minority leader to sit down together and see if we can work out a compromise. We are heading toward Thanksgiving and Christmas. We need to do a stimulus package if one can be put together that helps the economy. In all honesty, I do not believe the stimulus package that passed the Finance Committee would help the economy. My guess is it would probably be harmful. So if that were the only choice, I would simply vote no. But I don't think it is the only choice. I think we can put together a compromise. If we can do that, I suggest we get on with it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me thank the Senator from Texas for his support of the position on the low-growth suspension of the budget points of order. He is a respected member of the Senate Budget Committee, and he joined us in our recommendation to our colleagues that we disapprove the resolution that would abandon the provisions that help us maintain fiscal discipline. I thank him very much for that.

When the Senator says we have been on a spending binge—if we have, he has been part of it. I have gone back and looked at the votes. On the emergency supplemental appropriations bill that provided $40 billion to respond to the attacks on this country, that vote was unanimous. The Senator from Texas joined on that vote to support $40 billion to respond to the attacks and help rebuild and repair those things destroyed. On the air transportation safety and system stabilization to rescue the airline industry that was faced with imminent collapse, the Senator from Texas voted for that, too. Those are the only two things we have passed that are over and above what was agreed to by Republicans and Democrats with respect to the spending provisions for this year.

So when he says we are on a spending binge, let's get this straight. Every Member, with the exception of one in this entire body, voted for the spending we have done in response to the sneak attack on the United States—every single Member, with the exception of one. That one was not the Senator from Texas.

Let me also indicate, in the Senate provision, the stimulus package the Senate has put forward that we will be considering this afternoon, $5.5 billion of that $67 billion package is for agricultural economic emergencies. The Senator from Texas ridiculed some of them. They are easy to ridicule. The Washington Post over the weekend, on Sunday, in a column of theirs, ridiculed one of the provisions of which I am a prime mover and a prime supporter. I take this moment to explain what that provision is about and let people judge for themselves: Does it have merit or doesn't it? I believe it does.

Out of a $67 billion package, there are some $200 million for commodity purchases, the purchase of commodities for school lunch programs and for other feeding programs. This is typically what we do in a stimulus package. At a time of economic downturn, more people can't feed themselves, they can't feed their families, so we typically buy commodities to strengthen the feeding programs we have in this country. That is a compassionate thing to do. That is the right thing to do. It should not be ridiculed by a Senator or the Washington Post or anybody else. It is the right thing to do.

Let's talk about this provision for the purchase of bison, buffalo—whatever people are calling them. In this commodity program, to buy $200 million of commodities, there is $10 million to buy bison. Why? No. 1, it is probably the most nutritious meat anybody can eat because it is low in fat, high in protein, and it goes very well in our feeding programs—$10 million. But it has an added benefit because the bison industry is flat on its back. It is about to go broke. That will jeopardize thousands of families who are dependent on the bison industry to strengthen their agricultural operations.

I know it is so easy to ridicule these provisions. The Washington Post regularly ridicules anything for farmers because all they can see is that in every farm program there are some who are wealthy people who benefit. I agree with them, that is wrong. I wish we had much stricter payment limitations. I introduced a bill with the most strict payment limitations anybody has ever introduced, but it did not pass. And they are focusing on the exception rather than the rule.

If they would go to my State, they would find—are there some abuses? Yes. Are there some wealthy people who get farm program benefits? Yes. I wish it didn't happen. But do you know what else they would find? The vast majority of farm families in my State are struggling, they are in deep trouble. Farm prices in real terms are the lowest they have been in 50 years. More than that, in the last month the prices farmers received went down 9.5 percent, the biggest 1-month drop since they started keeping records 91 years ago.

There is a crisis in agriculture. There is a crisis in rural America. Farm families are going under by the thousands. If we do not act and we do not respond, it will get much worse. They can ridicule all they want and go to their cocktail parties here in Washington and believe they really have the moral high ground because they ridiculed spending for feeding programs for people who are hungry and to support hard-working farm families who are on the brink of going under, they can feel smart and smug—go ahead. They are wrong. They are not being very thoughtful.

To suggest somehow this was related to lobbyists—that was the essence of the story in the Washington Post, that lobbyists are writing this stimulus bill. I agree with them with respect to a lot of what I see in the House stimulus bill. That has been well lobbied. But $10 million to buy food for our feeding programs from farmers who are going under? I have not seen a single lobbyist in this town working for the bison industry. I have not seen one. Not one has come to me—not one. There is no bison industry pact of which I am aware.

When people get smart and smug and ridicule—it is easy to ridicule, really easy. But I don't think it is very smart and I don't think it is very compassionate to ridicule putting money into an economic stimulus package to buy commodities to help hungry people and to help farm families who are going under. I don't see that as very smart, and I don't see that as very compassionate.

I yield the floor.

The PRESIDING OFFICER. If no one yields time, time will be charged equally to both sides.

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

Mr. CONRAD. Mr. President, let me go back to what this larger discussion is about and the resolution that is before us.

When we are faced with two consecutive quarters of growth below 1 percent, the Budget Act then requires that the Senate Budget Committee consider

a resolution which would eliminate all of the budget protections—all those things we use to maintain fiscal discipline. That has happened. The last two quarters have been below 1-percent growth. So we have before us the resolution to eliminate the budget protections.

The Senate Budget Committee met and on a bipartisan basis rejected the notion of abandoning all of our budget protections—those approaches we use to maintain fiscal discipline. We rejected it and sent what is called the resolution of disapproval to the Senate by a vote of 22–0.

Now the Senate has to vote because there are expedited procedures that bring these provisions to the floor. We will vote at 5 o'clock. The vote will be: Do we set aside the budget points of order that allow us to maintain fiscal discipline? Do we set those aside for the next 2 years? The Budget Committee has said no. I hope the Senate in a resounding way says no this afternoon at 5 o'clock. That is what we have done in the past.

In 1991, when we had a similar circumstance, the Senate Budget Committee rejected the idea and reported unfavorably abandoning fiscal discipline 21–0. The Senate vote was 97–2 against giving up those budget points of order and those protections for fiscal discipline.

Later that year, a second low-growth resolution came before the Senate Budget Committee. It was rejected 21–0. The Senate rejected it 92–5.

In September, again, there was a low-growth resolution. The Senate Budget Committee rejected abandoning fiscal discipline on a vote of 19–2. The Senate rejected it on a vote of 88–8.

Once again, because the economy has been growing at less than 1 percent, this automatic resolution has come before the Budget Committee and has come before the Senate. The question is, Do we eliminate all of those budget points of order that help us to maintain fiscal discipline? The Senate Budget Committee has acted saying no on a vote of 22–0. They voted out a disapproval resolution. Now the full Senate is going to have its chance to register its opinion at 5 o'clock this evening.

I hope that we reject it unanimously and send a clear message to the country and to the market that we intend at the same time we provide fiscal stimulus and a short-term lift for this economy to also maintain long-term fiscal discipline and the integrity of our trust funds.

The PRESIDING OFFICER. All time under the control of the majority has expired.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that between now and 12:30 the Senate go into a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

THE BUDGET SURPLUS

Mr. NELSON of Florida. I compliment our chairman of the Budget Committee for the leadership he has given us and how steadfast he has been to be conservative in his outlook and his projections on what we should do with the projected budgetary surplus. It was the Senator from North Dakota, our chairman, who kept saying earlier this year: Watch out. These budget projections are too rosy. The budget, as projected over the next 10 years, is going to be considerably less.

Isn't it astounding that before September 11 the debate was over the use of the surplus and whether to pay down or pay off the national debt over a 10-year period. Now we find ourselves in a shrunken surplus with a wartime condition.

I also extend my compliments to the ranking member, our dear friend, the Senator from New Mexico.

The point I want to make is how quickly the landscape shifts—that before September 11, if the Senate had taken the advice of the chairman of the Budget Committee, what we would have done would have been very conservative in our approach as to how we were going to use the projected surplus. We wouldn't have frittered a lot of it away.

As the Senator from North Dakota has pointed out, that surplus was very likely to, if not disappear, be reduced. With the events of September 11, which put us on a wartime footing with new expenditures we had not planned on, combined with the diminished surplus—we were planning back in the summer to use the surplus to pay off the national debt. That is not even in the cards. Indeed, what is happening is the surplus that is left—the surplus in the Social Security trust fund—is going to be used up for other things to the point that we are facing the prospects of deficit financing, which is spending more than we have coming in in tax revenue in any one given year. That, of course, adds to the national debt.

How sad it is that we did not take the advice of the chairman and be conservative in the way that we were going to plan our spending and our tax cuts for the next decade so that we would have a greater cushion when the emergency came, as surely as it was going to come, only it came sooner than we thought; it came on September 11.

I thank the chairman for his leadership and for his knowledge about what this Nation is facing fiscally.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Senator from Florida, who is a very valued member of the Senate Budget Committee and also throughout his career has been dedicated to fiscal discipline.

We did make some mistakes earlier this year, unfortunately, collectively, in going too far, I believe, on the tax cut package in the face of a very optimistic set of forecasts but a set of forecasts over a 10-year period that I think almost anybody could have anticipated was unlikely to ever come true. We tried to warn our colleagues repeatedly that it was unlikely to come true; that you could not trust a 10-year forecast, that it was filled with risks, that it was filled with uncertainty, and we ought to be cautious.

Unfortunately, caution was thrown to the wind, and as a result we now face a circumstance where we will have budget deficits in this fiscal year, and perhaps for several years thereafter, and for the next 10 years we will see all of the Medicare trust fund money being used to fund the other operations of Government and a very substantial portion of the Social Security trust fund being used to fund the other operations of Government. That should not be done. That is a mistake.

We will regret it when the baby boomers start retiring in 10 years because, unfortunately, we had a budget in place before September 11 that did not add up, and now it is even further off in the red because of the tragic events of September 11 and the aftermath.

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

Mr. NELSON of Florida. Madam President, I would like to address the Senate on another subject in addition to the budget. It is my understanding we are in a period of morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. Madam President, may I be recognized?

The PRESIDING OFFICER. The Senator from Florida is recognized.

AIRLINE SECURITY

Mr. NELSON of Florida. Madam President, I call to the Senate's attention the fact that the travel and tourism industry is a most important industry to all of our States but especially to 30 of our States. The travel and tourism industry is one of the top three industries in those States. As a result, we see that the reluctance of people to travel, particularly on airliners, is having a devastating economic effect upon areas of the country that are magnets for travel and tourism.

Clearly, two such areas are in my State: Orlando, which is the No. 1 tourist destination in the world, and

Miami, a central hub of travel and tourism throughout the Americas and of a huge cruise ship business to which passengers come by airliner. But you can look at other cities in the country—Atlanta, New York, Las Vegas—you could go to any number of the cities where travel and tourism is a major economic component, and they are devastated.

For example, in Orlando it is very interesting; you see the dramatic effects of people afraid to be on airplanes and thus the reduced airliner traffic. You can go into downtown Orlando, in hotels that are more accommodating to business travel, and you will find that they are doing fairly well. But if you go out on International Drive, outside of Orlando, toward the tourist destinations, you will find hotels that have less than 50-percent occupancy.

Indeed, I talked to the owner of one hotel—it is a hotel with 800 rooms—and they have closed up 600 of the 800 rooms. It does not take too long to understand, with that kind of reduced revenue, suddenly, the owners of those hotels are not going to be able to pay their mortgages, their taxes.

Look at the devastating effects upon employment in the areas where they have laid off so many workers because they do not have the traffic to support all of the employees, and you see how that diminished economic activity ripples through the economy and starts to devastate not only a community but devastates a State. And when you look at the reduction in the sales tax in so many of our States, and the crisis State governments are now facing in their budgets, indeed, you see that it starts to economically devastate the Nation.

Why am I saying all this? I am saying it because we have something we can do about it in this Chamber and in the other Chamber at the other end of the Capitol, because we have in front of us a bill for establishing airline security, with all of these items on which we have generally gotten consensus such as sky marshals, such as reinforced cockpit doors, such as hijack training for airline employees. But we come to this difference of opinion on the screeners, the airport security personnel: Should they be privately contracted or should they be federalized law enforcement officers?

The reason I rise to make these remarks is because I just heard a riveting story by Senator DEBBIE STABENOW of Michigan. On a flight inbound to Reagan National Airport last night, a passenger, perhaps intoxicated, stood up and started walking toward the cockpit.

Now, mind you, the FAA has a regulation that for the last 30 minutes of a flight inbound into Reagan National Airport every passenger must remain seated. It is for the obvious reasons, with Reagan National Airport being so close to the centers of Government—10 seconds from the Pentagon, 20 seconds from the White House, and 30 seconds of a diverted flight path to the U.S. Capitol—that this was one of the safety precautions the FAA required on inbound and outbound aircraft at Reagan National Airport.

As relayed by Senator STABENOW, they were inbound, and suddenly this rather large gentleman got up and started walking toward the cockpit. What she shared with us was, she was so proud of the professionalism that then occurred, with two sky marshals sitting in first class who immediately got up, without any fuss, and got this passenger on to the floor. Apparently, there was a third Federal law enforcement officer on the plane as well, toward the back of the plane. Everyone was instructed to get their heads down, that they were diverting immediately to Dulles Airport.

The plane landed safely. All of the law enforcement personnel came out to the plane. It was handled very professionally. It was handled very safely.

I tell you this riveting story, just told to me by Senator STABENOW, to make the point that the American public desperately wants to feel safe when they get on an airplane. They want to know that the most highly qualified, highly trained personnel are the ones who are not only on that aircraft, as was just demonstrated by the sky marshals' professional behavior, but they want to know that the most highly trained, qualified law enforcement personnel are the ones who are doing law enforcement checks of the hand-carried baggage and the profiling to try to avoid any kind of incidents in the future that would jeopardize the safety of the American flying public.

Now, it just seems to me that with so much at stake, not only for the safety of people in airplanes but for the economic engine of this country, which is being so devastatingly affected in places such as my State and 30 other States where travel and tourism are one of the top three industries, it would seem to me that we ought to be able to have a meeting of the minds, enact this legislation, and get it to the President, who has said he will sign what the Congress produces, and get on about restoring the confidence of the American public in the safety of flying.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AIRPORT SECURITY

Mr. DODD. Madam President, I commend my colleague from Florida for a very excellent statement regarding airport security. As many colleagues here, over the weekend, I, too, traveled and met with some airport administrators and officials. Regardless of where you are in the country, the message is the same. These are people who don't particularly wear any labels of Democrat or Republican, Conservative or Liberal, whatever those labels may mean to some, but to most Americans out there, the issue of being more secure on something as fundamental as air travel is basic.

They don't understand why the Republican House leadership has refused to join the 100 Members of this body and the overwhelming majority of people involved in the airline industry in getting federalization of these workers and making airports as secure as possible.

I served in the Peace Corps in the Dominican Republic and many people were going back home there on that flight yesterday. One young man served in the Navy, and he just received his leave and was going back to visit his parents from the Dominican Republic. Another woman who escaped the World Trade Center tragedy lost her life on the flight yesterday.

Obviously, we don't make any equation of terrorist acts to what happened yesterday upon the preliminary information. But it heightens the security that people want to have in air travel. We call, again today, on the Republican leadership in the House to change their minds and adopt the bill embraced to this body 100–0 and offer the public the security they deserve.

The Senator from Florida made an excellent point.

THE ECONOMIC RECOVERY PACKAGE

Mr. DODD. Madam President, I want to take a minute and talk about the matter before the Senate, which is the economic recovery package, the stimulus package. I say to my colleagues here, and to others, that, again, this is one where the President —I know he is meeting with President Putin, and the subject matter is obviously the war against terrorism in central Asia. But it is also going to be very important in the prosecution of that war that we convey to the American public our deep concern about the present condition of our economy, and that there is clearly a recession.

The unemployment numbers are getting worse. Last month we had the highest increase in unemployment in 20 years. There is every indication that this economic downturn will be with us for some time. We have seen a staggering number of people lose their jobs, particularly at the lower end of the economic spectrum. I hope the President will be asking us to extend unemployment benefits for these people who have lost their jobs. First of all, it is a wonderful way to provide some stimulation because these are dollars that

must be spent. The people on unemployment don't have the luxury, having lost their jobs, of opening up a savings account. They are trying to provide for their needs on a daily basis. Those extended unemployment benefits are dollars that end up in the marketplace. If demand is one of the issues—and I believe it is, based on the economists who have shared their thoughts with us—then clearly those who would receive these unemployment benefits are going to contribute to stimulating the economy.

Providing health care benefits—again, none of us subscribes to the notion that people who are unemployed or lose their jobs are anywhere near as much a victim as those victims on September 11, at the World Trade Center, or the Pentagon, or aboard that airplane in Pennsylvania. But they are all victims.

We know that what happened on September 11 contributed to the economic difficulties that existed on September 10. We know, for instance, that airline travel is down some 20, 30 percent. We know, as a result of that, the hotel industry and the restaurant industry—which, by the way, are the largest employers in America; some 17 million people work in the service industries these are the ones who have been hit immediately. And the people who set tables, who wash dishes, wait on tables, who clean hotel rooms, who work in some of the more difficult and lower paying jobs in the country have lost their work. These are family members, heads of families, and they are out there wondering whether or not the next job is going to be available for them. So they are, in a sense, victims because, clearly, the events of September 11 have impacted their lives.

Many of us are suggesting as part of this economic package that we include extending unemployment benefits and health care, and we say to those people and their families that we wish we could provide you with a job tomorrow. We can't. We wish we could produce one for you immediately. We can't do that. But we can reach out to you and say during the next number of weeks we are going to provide extended unemployment benefits to you and see to it that States get back some dollars from Medicaid and the COBRA program, so you can have health care coverage during this time of difficulty. I don't think that is an exaggerated or excessive request. I hoped, frankly, that the request would be made of us to do this, rather than we making a request of the President and others to support this.

This is America. We are coming together as a people. Everybody who is hurt and has suffered as a result of these tragic events deserves an extended hand to try to see if we can't lift them up.

I was so impressed yesterday while watching the film clips of the people in New York. Average citizens were racing to help the firemen, helping to extend the hoses to try to put out the fires in the communities that were devastated by the downed aircraft. What a wonderful photograph, in a sense, during a time of tragedy. Average citizens—not firemen or policemen but people in civilian clothes—were running along the streets, grabbing firehoses and helping the departments reach the flames to try to save lives and property. That is my America. That is the America I know.

I want to see my Congress and my national leadership be as those people in the streets of Queens yesterday who were racing along to help out during a time of tragedy. That is what this economic package we have crafted tries to do. It is short term, it is focused, it is fiscally responsible, and it tries to help people who are suffering. That is all we are trying to do—give a tax rebate, a tax cut for the folks who didn't get it last spring so they might have additional dollars in their pockets to provide for family needs, and to see to it that we might invest some dollars as well in hardening up our infrastructure in the country.

Put aside September 11 for a minute. How many times have we heard over the last number of years that if you don't maintain the basic infrastructure of your country—roads, bridges, mass transit systems—economic growth suffers? So this bill will also include some dollars to try to harden up this infrastructure so we will be better prepared to withstand the kinds of terrorist attacks that could occur that would put those pieces of infrastructure in harm's way. This bill will provide some resources for that. Of course, it puts people to work. Imagine that; we might put some people to work by passing this bill.

That is basically the package. It is designed to provide unemployment benefits, health care benefits, dollars for infrastructure, and a tax cut for people who did not get one so they might not only get a break themselves but also contribute to the demand side of the equation which is necessary if this economic stimulus package is going to provide additional lift during this time of difficulty.

I hope in these next couple of days we can come together. We have done it before in the last few weeks. These are not excessive requests. This is a fiscally responsible plan. We have done so much in the last 10 years to put our economy on a footing that none of us imagined would ever be the case: that we would actually be in a situation where we would be talking about eliminating the national debt if we wanted.

How many of us have seen those clocks in almost every city that rapidly show the increase of the national debt? Yet over the last 10 years as the result of some very fine leadership in Congress, by the Federal Reserve, and obviously the White House, we were able to make a difference to put this country on a path many people thought we could not get on again.

As we talk about an economic recovery package, it must be fiscally responsible. If we are going to spend ourselves once again into huge debt, I cannot imagine anything more that Osama bin Laden or his supporters would like to see than us not only weakened from their attacks on September 11 but that we would weaken our economy either because we made excessive tax cuts or spending additions that were unwise.

As most Americans, I am stunned. I represent the most affluent State in the country, and certainly many of my constituents would benefit directly. They are some of the top income earners in the country. I do not hear my constituents talking about the need for a $1.3 million tax break for IBM or the Ford Motor Company as a result of repealing the alternative minimum tax.

Where is the sense of contribution? Are they like the people in the streets of Queens running and dragging those hoses along to help put out the fires, somebody who is probably making $20,000 or $30,000? Some of them are retired. They were racing along to help stop a fire. How about that coming out of the top income earners in the country to help put out the fire in a sense? That is all we are asking.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. DODD. I thank the Chair. I will wrap up by saying I hope we can find some common ground this week and do what the American public expects of us. I would so much love to hear my President ask me to extend these unemployment benefits and provide health care. Presidents in the past have done it.

This President is doing a wonderful job in the battle in central Asia. All of us appreciate his work and the work of his team. I know he is occupied with that now, but we also would like him to appreciate the battle going on at home.

Madam President, I yield the floor, and 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.

The PRESIDING OFFICER. In my capacity as a Senator from the State of New York, I ask unanimous consent that the order for the quorum call be rescinded.

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 stand in recess until 2:15 p.m.

Thereupon the Senate, at 12:29 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. BAYH).

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

Mr. HELMS. I thank the Chair.

CONTINUATION OF AGRICULTURAL PROGRAMS

Mr. HELMS. Mr. President, I speak on some legislation filed by distinguished Senators relative to S. 1673 this past Friday. I am honored to join with my distinguished colleagues in offering legislation to provide the maximum flexibility and stability our farmers need to make proper business decisions based on market conditions.

I am mindful, of course, of agriculture's importance to our country's economy and to America's security. I might add that agriculture is the No. 1 industry in North Carolina. Our farmers rank third in the Nation behind California and Florida in agricultural diversification.

It is with genuine appreciation that I join Senator LINCOLN, Senator HUTCHINSON, and Senator MILLER in working together in crafting this bill. The farm bill we are introducing will be helpful in our guaranteeing that American farmers will continue to provide the American people with the safe and adequate food supply that too many take for granted.

The past several years have been a genuine challenge to farmers, whether their operations are large or small. Farmers and their families have long been the backbone of countless rural communities. Every day, farmers face new challenges by literally dozens of factors beyond their control, from weather to insect infestation, to overreaching regulations that unnecessarily increase the cost of production, to trade barriers imposed by other countries on our farm products.

All these factors make it especially difficult for farmers to earn a profit when prices are at such historic lows as they are today. As farmers begin preparing for a new planting cycle, meeting with their bankers to plan the financial future of their businesses and their families and making difficult decisions relating to capital improvement, they also face the uncertainty that comes with congressional consideration of a new farm bill. Farmers are already reeling from a string of especially difficult years, and this bill that was offered on Friday provides a balanced and bipartisan approach to provide the stability needed to better compete on a global playing field while allowing farmers the flexibility they must have in order to adjust to the world market.

I think the House of Representatives is to be commended for its leadership in so quickly passing a farm bill that is a positive step toward bringing stability and predictability to American agriculture. The bill we offered Friday in the Senate is built on the concepts adopted by the House which, by the way, developed its bill by soliciting the input of farmers and farm organizations throughout the country for the better part of 2 years.

We believe this bill is particularly well crafted to clear all of the legislative hurdles necessary to present it to the President for his signature by the end of this year.

Although we have had many important national issues to deal with during this historic time, we must not forget the needs of America's farmers.

I appreciate the willingness of my colleagues to work together on a good piece of legislation, and I look forward to our continued cooperation with each other.

Mr. President, I ask unanimous consent that a letter endorsing the bill we introduced this past Friday be printed in the RECORD.

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

NORTH CAROLINA
FARM BUREAU FEDERATION,
Raleigh, NC, November 7, 2001.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: The North Carolina Farm Bureau favors farm policy philosophies that were adopted in the House version (H.R. 2646) of the Farm Bill. We are also supporting your efforts along with Senators Hutchinson and Lincoln to draft a similar bill that includes a well-balanced funding approach among all titles.

All commodity groups were included in the writing of the House Farm Bill. The bill outlines the ideals of farmers by directly addressing farm programs while also making significant investments and improvements in conservation, rural development, export, research, and nutrition programs.

A Farm Bill that reflects the House version will result in a less contentious conference report. This hopefully should allow for a new Farm Bill to be signed into law this year.

Thank you for your hard work in offering a Farm Bill proposal that helps address the challenges that our farmers face today.

Sincerely,

LARRY B. WOOTEN,
President.

The author of this letter, by the way, is the distinguished President of the North Carolina Farm Bureau Federation, Larry Wooten.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to address the Senator as in morning business.

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

Mrs. LINCOLN. Mr. President, I am proud to rise to thank my colleague from North Carolina, having had the pleasure of working with him and his staff on this issue. I thank him very much for the leadership he has provided the State of North Carolina and this great Nation and certainly this body. I have had a wonderful time working with him.

I join my colleagues in introducing a bill of the utmost importance to our farmers. Since the passage of the Freedom to Farm bill in 1996, our farmers have toiled under clouds of uncertainty. Quite simply stated, our Nation needs a farm policy that works for working farmers. That is why, along with Senator HUTCHINSON, Senator HELMS of North Carolina, Senator MILLER of Georgia, Senators BREAUX and LANDRIEU of Louisiana, and Senator SESSIONS of Alabama, I am proud to offer a new alternative.

We have offered a farm bill that will ensure a strong safety net for America's farmers and ranchers. We have offered a farm bill that will increase investment in conservation programs by 80 percent. We have offered a farm bill that provides more effective support for disadvantaged working families through nutrition programs. We have offered a farm bill that will increase and improve our Nation's agricultural trade programs such as the Food Aid Program that sends food to the most needy of nations, many of which are aligned with us in our conflicts today against terrorism across the globe. We have offered a farm bill that will preserve and protect our Nation's forests and environment while investing in rural America.

For too many years, while the American economy at large was posting astonishing and unprecedented gains, our agricultural producers have not benefited from our prosperity. It is not only our farmers who are suffering as a result of failed Government policy; the institutions of small-town and rural America—local banks and merchants, feed and supply stores, equipment dealers, even corner grocers and family-owned hardware stores—are all caught in the web of financial collapse in rural America.

From a letter I received from a young farmer in northeast Arkansas a few months ago, he said his family's farm is nearing ''a point of no return,'' and if the crisis continues he will have to leave the land that his grandfather worked before him.

Our family farmers are farming away their equity. They are farming away their heritage. Their Government has not provided them the safety net they need to be competitive in a global marketplace in order to continue to provide us, the American people and people across the globe, the safest, most affordable and most abundant food supply in the world.

Here is a letter from a bank president in southeast Arkansas who notes that when he moved into his community in 1969, a new John Deere combine sold

for about $15,000. Today, a comparable model sells for about $220,000. Fuel for that combine was 15 cents per gallon in 1969, he writes, but today a gallon of diesel fuel costs about $1.05. He goes on to note that while farmers could expect to receive $3 for a bushel of rice 33 years ago, today he only gets $2.70 for that same bushel.

As the costs continue to skyrocket—the input of resources demanded of farmers to be put into their crops—the return on these investments continues to fall below the levels they were paid over 40 years ago.

Here is a letter from a young woman in east Arkansas who works a 60-acre rice and soybean farm with her husband and child. Her husband is so depressed because of his lack of ability to be able to provide for his family he needs counseling and medication and she can't let her child participate in afterschool sports because of the additional costs that are entailed.

She writes that where she and her family once felt pride in their sense of independence and self-sufficiency, today they feel only shame because they have to rely on loans and supplemental income payments to survive.

These stories are not unusual. In many rural areas, they are becoming the norm.

We cannot afford to let our farmers continue to suffer this way. They can't wait another year; their problems are real and they are here today. Our bill will address their problems. Our bill will restore them to a better economic future. Our bill will restore to them their hope so they can build a better future for their children and for the rest of the children in this great Nation.

I am proud to be a coauthor of this bill, and I am proud to say I will take my stand to fight for its passage for the men and women who toil day in and day out as agricultural producers in this great land. We owe them no less.

I yield the floor.

Mr. MILLER. Mr. President, I am pleased to have joined with my colleagues to introduce a bipartisan farm bill—a farm bill that will secure American agriculture into the 21st century.

For the past 4 years, our farmers have experienced an agricultural crisis unlike anything seen since the Great Depression. As they say where I come from, it's been ''hell on a holiday.''

It has been particularly cruel because until the recent recession came along, our suffering farmers had watched the rest of our economy thrive with tremendous growth and prosperity.

The way we distribute disaster assistance cannot continue. Our farmers cannot wait any longer. The time for a new farm bill is now.

Our bill maintains the freedom for producers to plant the crops that best reflect market conditions. It provides an adequate safety net during economic and weather disasters, and it allows an 80-percent increase in conservation spending. Let me repeat that: It provides an 80-percent increase in conservation spending. That is nearly double what it is now. In past farm bills that would be unheard of.

The bill also makes dramatic and needed improvements in nutrition programs, trade promotion programs, and forestry incentives. It also—and this is very important—provides greater funding for our nation's research institutions such as the University of Georgia.

I have heard from members of the administration and members of the Agriculture Committee that we must take this first farm bill of the new century in a new policy direction. I do not disagree. I believe that is true. Along those lines, I respectfully point out that our bill includes the most dramatic farm policy change in nearly 70 years. That favorite whipping boy of all farm subsidies, the peanut program, has been turned on its head.

Perhaps, a little history is in order, because where we are advocating going compared to where we have been is as different as night and day.

During the Great Depression, when the South I grew up in was that ''one-third'' of a nation, President Roosevelt spoke about, the peanut quota system was established for poor farmers.

Quotas eventually became based on poundage and were set each year on the projected needs of domestic manufacturers.

As years went by, they began to be rented sometimes from landowner to farmer. Whether you agree with the policy or not, the peanut quota became a commodity in our neck of the woods.

The quota was passed down in families from generation to generation, and sold much as Coca-Cola or some other stock owned by our city cousins.

This policy, again rightly or wrongly, had seen little change since the early days of the Depression. Many families came to rely on quota support as their only source of retirement. It was their 401k.

And then NAFTA and GATT were passed and the peanut farmers' world was turned upside down. Because then, in the name of globalization, our trade protections for peanuts were lowered, imports were increased, and as a result quotas were gradually reduced.

Many peanut farmers across the country, seeing firsthand that what was good for the goose was not always good for the gander, and realizing what the future would hold if the current policy remained, decided to follow a new path. A way of life for more than three generations was, to use a phrase we understand very well, ''gone with the wind.''

This policy was so entrenched, because it had lasted so long, that this change has been difficult. It has not been easy to accept. Where I come from, a small problem that can be easily solved is known as ''a short horse—soon curried.'' Well, this was a big horse, and it has taken a long time not only to curry but to break it.

For months, I, along with many others, called for the peanut community to unite and face reality—to get them to accept the fact that the peanut quota system as their daddies and granddaddies knew it, was gone, to understand that the people in Washington won't support it, and NAFTA and GATT are here to stay.

So, we, their representatives in Congress, urged them to accept this change and work to develop a new, comprehensive policy that would allow peanut farmers to be competitive in world markets and that would compensate those affected by the change. After a lot of discussion, I think that is exactly what we have crafted.

There are never many people happy at a shotgun marriage, and that is what this is. To make such a drastic reform took careful bridge-building to get across these troubled waters. We needed a transition. Anything else would have been unfair and not the American way.

We are willing to face the bad along with the good of fair and open trade. But we also want to maintain a peanut industry that will survive for future generations of peanut farm families.

The peanut program in this bill will be a tough row to hoe, but it is fair and the peanut community can say, ''We are now like everyone else.''

There is another important point that I wish to make, and it is an issue that strikes at the heart of the entire agricultural industry.

I recently met with a large group of Georgia agriculture leaders, and the message they expressed to me was one of great distress and crisis.

In this time of the lowest interest rates we have seen in years, in this time of generous credit, there are banks all over rural Georgia that will no longer finance a farmer on the basis of future crops or equipment value. It is not that they do not want to help their friend and neighbor, but it is simply too big a risk. The loan officer reluctantly points out that commodity prices are just too low, and they do not see much of a chance for the farmer to repay the loan, no matter how hard he and his family might work, not under our present trade policy.

They also point out that the agricultural economy is so distressed that equipment purchased by farmers for thousands of dollars only a short time ago now has little value because no other farmer can afford to buy it.

The current recession did not bring this on, nor did the events of September 11. Mother Nature and poor market conditions did, and it shows

that our farmers must have a stronger safety net.

In addition, disasters over the past 4 years have exhausted many life savings and left no collateral on which to finance anything. Those who say we ought to wait to pass a new farm bill ought to have to walk a mile in those farmers' shoes. They ought to have to be the ones on the farm who work from daylight to dark and from can to can't. They ought to have to be sitting at that kitchen table after supper when the kids are in bed and hear the discussion about having to give up a farm that has been in the family for generations. Then, when the family farm is put up on an auction block and it goes for pennies on the dollar, what do we say to them then? That is something we can't figure out over lunch at the Palm.

We are going to be talking this week about a stimulus package. We have proposals on stimuli coming out of our ears. It is creme de la creme that can be conceived only by those highly paid lobbyists, pushing and pulling, paying and pimping, and promising to get their clients the best breaks and the most generous incentives.

I learned a long time ago that when it comes to how legislation is written—especially here in Washington—it is kind of like that country music song by Freddie Hart about his girlfriend: ''If fingerprints showed up on skin, I wonder whose I would find on you.''

I am afraid both stimulus bills have a lot of questionable fingerprints on them, and we do not need the FBI to figure out whose they are. Their names, addresses, and their interests are in the top contributor list of both parties.

The legislation I am speaking on today also has fingerprints: Fingerprints from callused hands—the hands of the workers who feed us and clothe us, people who, like the family dog, we just take for granted.

Do I speak too harshly? I am sorry, but because I am not blind to what I see, I cannot be bland in what I say. Of course, we cannot continue to do things as we have always done, and we cannot continue to provide disaster assistance each and every year. But there has to be a transition, some ''weaning time,'' as it is called down on the farm.

Mr. President, this farm bill sets a new policy, a sea change in conservation and peanuts. It addresses the critical needs facing America's farmers. It was written by Senators from both sides of the aisle. I hope that same bipartisan support will pass a new farm policy this year.

UNANIMOUS CONSENT AGREEMENT

Mr. DASCHLE. Mr. President, I have been discussing the schedule for the remainder of the day with the distinguished Republican leader. I want to propound a request. It is my understanding that there is an agreement with our colleagues, having consulted with the Republican leader.

I ask unanimous consent that at 2:30 today the Senate proceed to Calendar No. 223, H.R. 3090, the economic recovery/stimulus legislation for debate only until 5 p.m., with no amendments in order during this period; that this time be equally divided and controlled between the chairman and ranking member of the Finance Committee or their designees.

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

Mr. DASCHLE. I yield the floor.

ECONOMIC RECOVERY AND ASSISTANCE FOR AMERICAN WORKERS ACT OF 2001

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3090) to provide tax incentives for economic recovery.

The Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Recovery and Assistance for American Workers Act of 2001''.

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—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 the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—SUPPLEMENTAL REBATE FOR INDIVIDUAL TAXPAYERS

Sec. 101. Supplemental rebate.

TITLE II—TEMPORARY BUSINESS RELIEF PROVISIONS

Sec. 201. Special depreciation allowance for certain property.
Sec. 202. Increase in section 179 expensing.
Sec. 203. Carryback of certain net operating losses allowed for 5 years.

TITLE III—TAX INCENTIVES AND RELIEF FOR VICTIMS OF TERRORISM, DISASTERS, AND DISTRESSED CONDITIONS

Subtitle A—Tax Incentives for New York City and Distressed Areas

Sec. 301. Expansion of work opportunity tax credit targeted categories to include certain employees in New York City.
Sec. 302. Tax-exempt private activity bonds for rebuilding portion of New York City damaged in the September 11, 2001, terrorist attack.
Sec. 303. Gain or loss from property damaged or destroyed in New York Recovery Zone.
Sec. 304. Reenactment of exceptions for qualified-mortgage-bond-financed loans to victims of Presidentially declared disasters.
Sec. 305. One-year expansion of authority for Indian tribes to issue tax-exempt private activity bonds.

Subtitle B—Victims of Terrorism Tax Relief

Sec. 310. Short title.

PART I—RELIEF PROVISIONS FOR VICTIMS OF APRIL 19, 1995, AND SEPTEMBER 11, 2001, TERRORIST ATTACKS

Sec. 311. Income and employment taxes of victims of terrorist attacks.
Sec. 312. Estate tax reduction.
Sec. 313. Payments by charitable organizations treated as exempt payments.
Sec. 314. Exclusion of certain cancellations of indebtedness.

PART II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

Sec. 321. Exclusion for disaster relief payments.
Sec. 322. Authority to postpone certain deadlines and required actions.
Sec. 323. Internal Revenue Service disaster response team.
Sec. 324. Application of certain provisions to terroristic or military actions.
Sec. 325. Clarification of due date for airline excise tax deposits.
Sec. 326. Coordination with Air Transportation Safety and System Stabilization Act.

PART III—DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS

Sec. 331. Disclosure of tax information in terrorism and national security investigations.

TITLE IV—EXTENSIONS OF CERTAIN EXPIRING TAX PROVISIONS

Sec. 401. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 402. Work opportunity credit.
Sec. 403. Welfare-to-work credit.
Sec. 404. Credit for electricity produced from renewable resources.
Sec. 405. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 406. Qualified zone academy bonds.
Sec. 407. Subpart F exemption for active financing.
Sec. 408. Cover over of tax on distilled spirits.
Sec. 409. Delay in effective date of requirement for approved diesel or kerosene terminals.
Sec. 410. Deduction for clean-fuel vehicles and certain refueling property.
Sec. 411. Credit for qualified electric vehicles.
Sec. 412. Parity in the application of certain limits to mental health benefits.
Sec. 413. Combined employment tax reporting.

TITLE V—EXTENSION OF CERTAIN TRADE PROVISIONS EXPIRING IN 2001.

Sec. 501. Generalized System of Preferences.
Sec. 502. Andean Trade Preference Act.
Sec. 503. Reauthorization of trade adjustment assistance.

TITLE VI—HEALTH INSURANCE COVERAGE OPTIONS FOR RECENTLY UNEMPLOYED INDIVIDUALS AND THEIR FAMILIES

Sec. 601. Premium assistance for COBRA continuation coverage for individuals and their families.
Sec. 602. State option to provide temporary medicaid coverage for certain uninsured individuals.
Sec. 603. State option to provide temporary coverage under medicaid for the unsubsidized portion of COBRA continuation premiums.

Sec. 604. Temporary increases of medicaid FMAP for fiscal year 2002.
Sec. 605. Definitions.

TITLE VII—TEMPORARY ENHANCED UNEMPLOYMENT BENEFITS

Sec. 701. Short title.
Sec. 702. Federal-State agreements.
Sec. 703. Temporary supplemental unemployment compensation account.
Sec. 704. Payments to States having agreements under this title.
Sec. 705. Financing provisions.
Sec. 706. Fraud and overpayments.
Sec. 707. Definitions.
Sec. 708. Applicability.

TITLE VIII—EMERGENCY AGRICULTURE ASSISTANCE

Subtitle A—Crop Loss Assistance

Sec. 801. Crop loss assistance.
Sec. 802. Livestock assistance program.
Sec. 803. Commodity purchases.

Subtitle B—Rural Development

Sec. 811. Rural community facilities and utilities.
Sec. 812. Rural telecommunications loans.
Sec. 813. Telemedicine and distance learning services.
Sec. 814. Environmental quality incentives program.
Sec. 815. Farmland protection program.

Subtitle C—Administration

Sec. 821. Commodity Credit Corporation.
Sec. 822. Administrative expenses.
Sec. 823. Regulations.

TITLE IX—ADDITIONAL PROVISIONS

Sec. 901. Credit to holders of qualified Amtrak bonds.
Sec. 902. Broadband Internet access tax credit.
Sec. 903. Citrus tree canker relief.
Sec. 904. Allowance of electronic 1099s.
Sec. 905. Clarification of excise tax exemptions for agricultural aerial applicators.
Sec. 906. Recovery period for certain wireless telecommunications equipment.
Sec. 907. No impact on social security trust funds.
Sec. 908. Emergency designation.

TITLE I—SUPPLEMENTAL REBATE FOR INDIVIDUAL TAXPAYERS

SEC. 101. SUPPLEMENTAL REBATE.

(a) IN GENERAL.—Section 6428 (relating to acceleration of 10 percent income tax rate bracket benefit for 2001) is amended by adding at the end the following new subsection:

''(f) SUPPLEMENTAL REBATE.—

''(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2000 and who, before October 16, 2001—

''(A) filed a return of tax imposed by subtitle A for such taxable year, or

''(B) filed a return of income tax with the government of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, or the Virgin Islands of the United States,

shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the supplemental refund amount for such taxable year.

''(2) SUPPLEMENTAL REFUND AMOUNT.—For purposes of this subsection, the supplemental refund amount is an amount equal to the excess (if any) of—

''(A)(i) $600 in the case of taxpayers to whom section 1(a) applies,

''(ii) $500 in the case of taxpayers to whom section 1(b) applies, and

''(iii) $300 in the case of taxpayers to whom subsections (c) or (d) of section 1 applies, over

''(B) the amount of any advance refund amount paid to the taxpayer under subsection (e).

''(3) TIMING OF PAYMENTS.—In the case of any overpayment attributable to this subsection, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this subsection.

''(5) SPECIAL RULE FOR CERTAIN NONRESIDENTS.—The determination under subsection (c)(2) as to whether an individual who filed a return of tax described in paragraph (1)(B) is a nonresident alien individual shall, under rules prescribed by the Secretary, be made by reference to the possession or Commonwealth with which the return was filed and not the United States.''.

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Subsection (b) of section 6428 is amended to read as follows:

''(b) CREDIT TREATED AS NONREFUNDABLE PERSONAL CREDIT.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart A of part IV of subchapter A of chapter 1.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (d) of section 6428 is amended to read as follows:

''(d) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (e) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.''.

(B) Paragraph (2) of section 6428(e) is amended to read as follows:

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if—

''(A) this section (other than subsections (b) and (d) and this subsection) had applied to such taxable year, and

''(B) the credit for such taxable year were not allowed to exceed the excess (if any) of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits).''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 6428(d), as amended by subsection (b), is amended by striking ''subsection (e)'' and inserting ''subsections (e) and (f)''.

(2) Paragraph (2) of section 6428(d), as amended by subsection (b), is amended by striking ''subsection (e)'' and inserting ''subsection (e) or (f)''.

(3) Paragraph (3) of section 6428(e) is amended by striking ''December 31, 2001'' and inserting ''the date of the enactment of the Economic Recovery and Assistance for American Workers Act of 2001''.

(d) REPORTING REQUIREMENT.—For purposes of determining the individuals who are eligible for the supplemental rebate under section 6428(f) of the Internal Revenue Code of 1986, the governments of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States shall provide, at such time and in such manner as provided by the Secretary of the Treasury, the names, addresses, and taxpayer identifying numbers (within the meaning of section 6109 of the Internal Revenue Code of 1986) of residents who filed returns of income tax with such governments for 2000.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TECHNICALS.—The amendments made by subsection (b) shall take effect as if included in the amendment made by section 101(b)(1) of the Economic Growth and Tax Relief Reconciliation Act of 2001.

TITLE II—TEMPORARY BUSINESS RELIEF PROVISIONS

SEC. 201. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

''(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2002.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 10 percent of the adjusted basis of the qualified property, and

''(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified property' means property—

''(i)(I) to which this section applies which has an applicable recovery period of 20 years or less or which is water utility property,

''(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

''(III) which is qualified leasehold improvement property, or

''(IV) which is eligible for depreciation under section 167(g),

''(ii) the original use of which commences with the taxpayer after September 10, 2001,

''(iii) which is—

''(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2002, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2002, and

''(iv) which is placed in service by the taxpayer before January 1, 2003.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

''(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

''(II) after application of section 280F(b) (relating to listed property with limited business use).

''(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULES.—

''(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2002.

''(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

''(I) is originally placed in service after September 10, 2001, by a person, and

''(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

''(D) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

''(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $1,600.

''(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

''(3) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

''(I) by the lessee (or any sublessee) of such portion, or

''(II) by the lessor of such portion,

''(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

''(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefiting a common area, and

''(iv) the internal structural framework of the building.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) BINDING COMMITMENT TO LEASE TREATED AS LEASE.—A binding commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

''(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

''(I) members of an affiliated group (as defined in section 1504), and

''(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.

''(D) IMPROVEMENTS MADE BY LESSOR.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.''.

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

''(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2002.—The deduction under section 168(k) shall be allowed.''.

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) is amended by striking ''clause (ii)'' both places it appears and inserting ''clauses (ii) and (iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

SEC. 202. INCREASE IN SECTION 179 EXPENSING.

(a) IN GENERAL.—The table contained in section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

"If the taxable year begins in:	The applicable amount is:
2001	$24,000
2002	$35,000
2003 or thereafter	$25,000.''.

(b) TEMPORARY INCREASE IN AMOUNT OF PROPERTY TRIGGERING PHASEOUT OF MAXIMUM BENEFIT.—Paragraph (2) of section 179(b) is amended by inserting before the period ''($325,000 in the case of taxable years beginning during 2002)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 203. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS.

(a) IN GENERAL.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

''(H) In the case of a taxpayer which has a net operating loss for any taxable year ending in 2001, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.''.

(b) ELECTION TO DISREGARD 5-YEAR CARRYBACK.—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) ELECTION TO DISREGARD 5-YEAR CARRYBACK FOR CERTAIN NET OPERATING LOSSES.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.''.

(c) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS.—Subparagraph (A) of section 56(d)(1) (relating to general rule defining alternative tax net operating loss deduction) is amended to read as follows:

''(A) the amount of such deduction shall not exceed the sum of—

''(i) the lesser of—

''(I) the amount of such deduction attributable to net operating losses (other than the deduction attributable to carrybacks described in clause (ii)(I)), or

''(II) 90 percent of alternative minimum taxable income determined without regard to such deduction, plus

''(ii) the lesser of—

''(I) the amount of such deduction attributable to carrybacks of net operating losses for taxable years ending in 2001, or

''(II) alternative minimum taxable income determined without regard to such deduction reduced by the amount determined under clause (i), and''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to net operating losses for taxable years ending in 2001.

TITLE III—TAX INCENTIVES AND RELIEF FOR VICTIMS OF TERRORISM, DISASTERS, AND DISTRESSED CONDITIONS

Subtitle A—Tax Incentives for New York City and Distressed Areas

SEC. 301. EXPANSION OF WORK OPPORTUNITY TAX CREDIT TARGETED CATEGORIES TO INCLUDE CERTAIN EMPLOYEES IN NEW YORK CITY.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986 (relating to work opportunity credit), a New York Recovery Zone business employee shall be treated as a member of a targeted group.

(b) NEW YORK RECOVERY ZONE BUSINESS EMPLOYEE.—For purposes of this section—

(1) IN GENERAL.—The term ''New York Recovery Zone business employee'' means, with respect to the period beginning after September 10, 2001, and ending before January 1, 2003, any employee of a New York Recovery Zone business if—

(A) substantially all the services performed during such period by such employee for such business are performed in a trade or business of such business located in an area described in paragraph (2), and

(B) with respect to any employee of such business described in paragraph (2)(B), such employee is certified by the New York State Department of Labor as not exceeding, when added to all other employees previously certified with respect to such period as New York Recovery Zone business employees with respect to such business, the number of employees of such business on September 11, 2001, in the New York Recovery Zone.

(2) NEW YORK RECOVERY ZONE BUSINESS.—The term ''New York Recovery Zone business'' means any business establishment which is—

(A) located in the New York Recovery Zone, or

(B) located in the City of New York, New York, outside the New York Recovery Zone, as the result of the destruction or damage of such establishment by the September 11, 2001, terrorist attack.

(3) NEW YORK RECOVERY ZONE.—The term ''New York Recovery Zone'' means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

(4) SPECIAL RULES FOR DETERMINING AMOUNT OF CREDIT.—For purposes of applying subpart E of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 to wages paid or incurred to any New York Recovery Zone business employee—

(A) section 51(a) of such Code shall be applied by substituting ''qualified wages'' for ''qualified first-year wages'',

(B) section 51(d)(12)(A)(i) of such Code shall be applied to the certification of individuals employed by a New York Recovery Zone business before April 1, 2002, by substituting ''on or before May 1, 2002'' for ''on or before the day on which such individual begins work for the employer'',

(C) subsections (c)(4) and (i)(2) of section 51 of such Code shall not apply, and

(D) in determining qualified wages, the following shall apply in lieu of section 51(b) of such Code:

(i) QUALIFIED WAGES.—The term ''qualified wages'' means the wages paid or incurred by the employer for work performed during the period beginning on September 11, 2001, and ending on December 31, 2002, to individuals who are New York Recovery Zone business employees of such employer.

(ii) ONLY FIRST $12,000 OF WAGES PER TAXABLE YEAR TAKEN INTO ACCOUNT.—The amount of the qualified wages which may be taken into account with respect to any individual shall not exceed $12,000 per taxable year of the employer.

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULES FOR NEW YORK RECOVERY ZONE BUSINESS EMPLOYEE CREDIT.—

''(A) IN GENERAL.—In the case of the New York Recovery Zone business employee credit—

''(i) this section and section 39 shall be applied separately with respect to such credit, and

''(ii) in applying paragraph (1) to such credit—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the New York Recovery Zone business employee credit).

''(B) NEW YORK RECOVERY ZONE BUSINESS EMPLOYEE CREDIT.—For purposes of this subsection, the term 'New York Recovery Zone business employee credit' means the portion of work opportunity credit under section 51 determined under section 301 of the Economic Recovery and Assistance for American Workers Act of 2001.''.

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting ''or the New York Recovery Zone business employee credit'' after ''employment credit''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after September 11, 2001.

(d) COORDINATION WITH EMERGENCY APPROPRIATIONS.—Notwithstanding any other provision of law, any amount otherwise available for disaster recovery activities and assistance related to the September 11, 2001, terrorist attack in the City of New York, New York, under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) shall be reduced by the aggregate 10-year cost to the United States Treasury resulting from the credits allowed under this section, as estimated for purposes of determining whether this Act complies with the Congressional Budget Act of 1974.

SEC. 302. TAX-EXEMPT PRIVATE ACTIVITY BONDS FOR REBUILDING PORTION OF NEW YORK CITY DAMAGED IN THE SEPTEMBER 11, 2001, TERRORIST ATTACK.

(a) TREATMENT AS QUALIFIED BONDS.—For purposes of the Internal Revenue Code of 1986, any qualified NYC recovery bond shall be treated as an exempt facility bond under section 141(e) of such Code.

(b) QUALIFIED NYC RECOVERY BOND.—For purposes of this section, the term ''qualified NYC recovery bond'' means any bond which—

(1) is issued by the State of New York or any political subdivision thereof (or any agency, instrumentality or constituted authority on behalf thereof), and

(2) meets the requirements of subsections (c) through (f).

(c) DESIGNATION REQUIREMENTS.—A bond meets the requirements of this subsection if it is issued as part of an issue designated as a qualified NYC recovery bond by the Mayor of the City of New York, New York, or an individual specifically appointed to make such designation.

(d) ISSUANCE AND VOLUME REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (3), a bond issued as part of an issue meets the requirements of this subsection if such bond is issued during 2002 (or during the period elected under paragraph (2)) and the aggregate face amount of the bonds issued pursuant to such issue, when added to the aggregate face amount of qualified NYC recovery bonds previously issued, does not exceed $15,000,000,000.

(2) ELECTIVE CARRYFORWARD OF UNUSED LIMITATION.—If the volume cap under paragraph (1) exceeds the aggregate amount of qualified NYC recovery bonds issued during 2002, the issuing authority under subsection (b) may elect to carry forward such excess volume cap for an additional 3-year period under rules similar to the rules of section 146(f) of the Internal Revenue Code of 1986 (other than paragraph (2) thereof).

(3) CERTAIN CURRENT REFUNDINGS NOT COUNTED.—For purposes of paragraph (1), there shall not be taken into account any current refunding bond the proceeds of which are used to refund any bond described in paragraph (1) to the extent the face amount of such current refunding bond does not exceed the outstanding face amount of the refunded bond.

(e) QUALIFIED PROJECT REQUIREMENTS.—

(1) IN GENERAL.—A bond meets the requirements of this subsection if it is issued as part of an issue at least 95 percent of the net proceeds of which are to be used for qualified project costs.

(2) QUALIFIED PROJECT COSTS.—For purposes of this subsection—

(A) IN GENERAL.—The term ''qualified project costs'' means—

(i) with respect to a qualified project described in paragraph (3)(A)(i), the costs of acquisition, construction, reconstruction, and renovation of commercial real property and residential rental real property, including—

(I) buildings and their structural components,

(II) fixed tenant improvements, and

(III) public utility property, and

(ii) with respect to a qualified project described in paragraph (3)(A)(ii), the costs of acquisition, construction, reconstruction, and renovation of commercial real property, including—

(I) buildings and their structural components, and

(II) fixed tenant improvements.

(B) LIMITATIONS.—

(i) RESIDENTIAL RENTAL REAL PROPERTY.—Such term shall not include costs with respect to residential rental real property to the extent such costs for all such property exceed 20 percent of the aggregate face amount of the bonds issued under this section.

(ii) RETAIL SALES PROPERTY.—Such term shall not include costs with respect to property used for retail sales of tangible property and functionally related and subordinate property to the extent such costs for all such property exceeds 10 percent of the aggregate face amount of the bonds issued under this section.

(iii) MOVABLE FIXTURES AND EQUIPMENT.—Such term shall not include costs with respect to movable fixtures and equipment.

(3) QUALIFIED PROJECTS.—For purposes of this subsection—

(A) IN GENERAL.—The term ''qualified project'' means any project—

(i) located within the New York Recovery Zone, or

(ii) located within the City of New York, New York, but outside of the New York Recovery Zone, but only if—

(I) such project consists of at least 100,000 square feet of usable office or other commercial space located in a single building or multiple adjacent buildings, and

(II) the aggregate face amount of the bonds issued to finance such project, when added to the aggregate face amount of all bonds issued to finance all other projects described in this clause, does not exceed $7,000,000,000.

(B) NEW YORK RECOVERY ZONE.—The term ''New York Recovery Zone'' means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

(f) GENERAL REQUIREMENTS.—A bond meets the requirements of this subsection if it is issued as part of an issue which meets the requirements of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 applicable to an exempt facility bond, except as follows:

(1) Sections 142(d) and 150(b)(2) (relating to qualified residential rental project), and section 146 (relating to volume cap) of such Code shall not apply to bonds issued under this section.

(2) The application of section 147(c) of such Code (relating to limitation on use for land acquisition) shall be determined by reference to the aggregate authorized face amount of all bonds issued under this section rather than the net proceeds of each issue.

(3) Section 147(d) of such Code (relating to acquisition of existing property not permitted) shall be applied by substituting ''50 percent'' for ''15 percent'' each place it appears.

(4) Section 148(f)(4)(C) of such Code (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to construction proceeds of bonds issued under this section.

(5) Rules similar to the rules of section 143(a)(2)(A)(iv) of such Code (relating to use of loan repayments) shall apply to bonds issued under this section.

(g) BOND INTEREST NOT AN AMT PREFERENCE ITEM.—For purposes of section 57(a)(5) of the Internal Revenue Code of 1986, a qualified NYC recovery bond shall not be treated as a specified private activity bond.

(h) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This section shall not apply to the portion of the proceeds of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to subsection (a)), if the issuer elects to so treat such portion.

(i) NET PROCEEDS.—For purposes of this section, the term ''net proceeds'' has the meaning given such term by section 150(a)(3) of the Internal Revenue Code of 1986.

(j) INTEREST ON DEBT USED TO PURCHASE OR CARRY QUALIFIED NYC RECOVERY BONDS.—

(1) IN GENERAL.—Section 265(b)(3) (relating to exception for certain tax-exempt obligations) is amended—

(A) by inserting ''a tax-exempt obligation issued pursuant to section 302 of the Economic Recovery and Assistance for American Workers Act of 2001 or'' after ''means'' in subparagraph (B)(i),

(B) by inserting ''other than an obligation issued pursuant to section 302 of the Economic Recovery and Assistance for American Workers Act of 2001'' after ''of a qualified tax-exempt obligation'' in subparagraph (D)(ii), and

(C) by adding at the end of subparagraph (D) the following new clause:

''(iv) REFUNDINGS OF CERTAIN OBLIGATIONS.—In the case of a refunding (or a series of refundings) of a qualified tax-exempt obligation that is an obligation issued pursuant to section 302 of the Economic Recovery and Assistance for

American Workers Act of 2001, the refunding obligation shall be treated as a qualified tax-exempt obligation if the refunding obligation meets the requirements of such section.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending on or after the date of the enactment of this Act.

(k) COORDINATION WITH EMERGENCY APPROPRIATIONS.—Notwithstanding any other provision of law, any amount otherwise available for disaster recovery activities and assistance related to the September 11, 2001, terrorist attack in the City of New York, New York, under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) shall be reduced by the aggregate 10-year cost to the United States Treasury of the qualified NYC recovery bonds issued under this section, as estimated for purposes of determining whether this Act complies with the Congressional Budget Act of 1974.

SEC. 303. GAIN OR LOSS FROM PROPERTY DAMAGED OR DESTROYED IN NEW YORK RECOVERY ZONE.

(a) GENERAL RULE.—For purposes of the Internal Revenue Code of 1986, if a taxpayer elects the application of this section with respect to any eligible property, then any gain or loss on the disposition of the property shall be determined without regard to any compensation (by insurance or otherwise) received by the taxpayer for damages sustained to the property as a result of the terrorist attacks occurring on September 11, 2001. Such election shall be made at such time and in such manner as the Secretary of the Treasury may prescribe, and, once made, is irrevocable.

(b) LIMITATION BASED ON PURCHASE OF REPLACEMENT PROPERTY.—

(1) IN GENERAL.—Subsection (a) shall apply to compensation received with respect to eligible property only to the extent of the cost of any qualified replacement property purchased by the taxpayer.

(2) ALLOCATION.—If the aggregate compensation received by a taxpayer with respect to all eligible property exceeds the aggregate cost of all qualified replacement property purchased by the taxpayer, such cost shall be allocated to such eligible property in accordance with rules prescribed by the Secretary.

(3) SPECIAL RULE FOR CONSOLIDATED GROUPS.—For purposes of paragraph (1), an affiliated group filing a consolidated return may elect to treat any qualified replacement property purchased by a member of the group as purchased by another member of the group.

(c) ELIGIBLE PROPERTY.—For purposes of this section, the term ''eligible property'' means any tangible property—

(1) which is section 1245 property (as defined in section 1245(a)(3) of the Internal Revenue Code of 1986) or qualified leasehold improvement property (as defined in section 168(k)(3) of such Code),

(2) substantially all of the use of which as of September 11, 2001, was in a business establishment of the taxpayer located in the New York Recovery Zone, and

(3) which was damaged or destroyed in the terrorist attacks of September 11, 2001.

(d) QUALIFIED REPLACEMENT PROPERTY.—For purposes of this section—

(1) IN GENERAL.—The term ''qualified replacement property'' means tangible property—

(A) which is described in subsection (c)(1),

(B) which is purchased by the taxpayer on or after September 11, 2001, and placed in service in the City of New York, New York, before January 1, 2007,

(C) the original use of which in such city begins with the taxpayer, and

(D) substantially all of the use of which is reasonably expected to be in connection with a business establishment of the taxpayer located in such city.

(2) RECAPTURE.—The Secretary shall, by regulations, provide for the recapture of any Federal tax benefit provided by this section in cases where a taxpayer ceases to use property as qualified replacement property and such recapture is necessary to prevent the avoidance of the purposes of this section.

(e) COORDINATION WITH OTHER PROVISIONS OF CODE.—For purposes of the Internal Revenue Code of 1986—

(1) SPECIAL RULE FOR TREATMENT OF UNRECOGNIZED GAIN IN ELIGIBLE PROPERTY.—Sections 1245 and 1250 of such Code shall not apply to any gain on the disposition of eligible property not recognized by reason of this section.

(2) LOSS ELECTION NOT TO APPLY TO ELIGIBLE PROPERTY.—If a taxpayer elects the application of this section with respect to any eligible property, the taxpayer may not make an election under section 165(i) of such Code with respect to any loss attributable to the property.

(3) BASIS ADJUSTMENTS OF QUALIFIED REPLACEMENT PROPERTY.—

(A) IN GENERAL.—The basis of any qualified replacement property shall be reduced by the amount of any compensation disregarded by reason of subsection (a).

(B) SPECIAL RULES FOR RECAPTURE.—For purposes of sections 1245 and 1250 of such Code, any reduction under subparagraph (A) shall be treated as a deduction allowed for depreciation, except that for purposes of section 1250(b) of such Code, the determination of what would have been the depreciation adjustments under the straight line method shall be made as if there had been no reduction under subparagraph (A).

(4) SPECIAL RULES FOR APPLYING SECTION 1033.—For purposes of applying section 1033 of such Code to converted property which is eligible property with respect to which an election under subsection (a) has been made—

(A) the amount realized from the eligible property shall not include any compensation received by the taxpayer which is disregarded by reason of subsection (a), and

(B) any qualified replacement property shall be disregarded in determining whether property was acquired for the purposes of replacing the converted property.

(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

(1) NEW YORK RECOVERY ZONE.—The term ''New York Recovery Zone'' means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

(2) TIME FOR ASSESSMENT.—Rules similar to the rules of subparagraphs (C) and (D) of section 1033(a)(2) of such Code shall apply for purposes of this section.

(3) RELATED PARTY LIMITATION.—Section 1033(i) of such Code shall apply for purposes of this section.

(g) COORDINATION WITH EMERGENCY APPROPRIATIONS.—Notwithstanding any other provision of law, any amount otherwise available for disaster recovery activities and assistance related to the September 11, 2001, terrorist attack in the City of New York, New York, under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) shall be reduced by the aggregate 10-year cost to the United States Treasury resulting from the enactment of this section, as estimated for purposes of determining whether this Act complies with the Congressional Budget Act of 1974.

SEC. 304. REENACTMENT OF EXCEPTIONS FOR QUALIFIED-MORTGAGE-BOND-FINANCED LOANS TO VICTIMS OF PRESIDENTIALLY DECLARED DISASTERS.

Section 143(k)(11) (relating to special rules for residences located in disaster areas) is amended—

(1) by inserting ''damaged or destroyed by a disaster and'' after ''In the case of a residence'',

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) Paragraph (4) of this subsection shall be applied by substituting '$25,000' for '$15,000'.'', and

(3) by inserting '', and after December 31, 2001, and before January 1, 2003'' after ''1999'' in the last sentence.

SEC. 305. ONE-YEAR EXPANSION OF AUTHORITY FOR INDIAN TRIBES TO ISSUE TAX-EXEMPT PRIVATE ACTIVITY BONDS.

(a) IN GENERAL.—Section 7871(c) (relating to additional requirements for tax-exempt bonds) is amended by adding at the end the following new paragraph:

''(4) EXCEPTION FOR QUALIFIED INDIAN PRIVATE ACTIVITY BONDS.—

''(A) IN GENERAL.—In the case of any qualified Indian private activity bond—

''(i) paragraph (2) shall not apply,

''(ii) such bond shall be treated as a qualified bond under section 141(e), and

''(iii) section 146 shall not apply.

''(B) QUALIFIED INDIAN PRIVATE ACTIVITY BOND.—For purposes of this paragraph, the term 'qualified Indian private activity bond' means any bond which—

''(i) is issued by a qualified Indian tribal government—

''(I) as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as determined under section 142(d), by substituting 'statewide median gross income' for 'area median gross income'),

''(II) as part of a qualified mortgage issue (as defined in section 143(a)(2)),

''(III) as part of an issue 95 percent or more of the net proceeds of which are to be used to provide any facility described in section 1394(b)(1) for any business (whether tribally owned or not) that would qualify as an enterprise zone business if the Indian reservation (as defined in section 168(j)(6)) over which the qualified Indian tribal government exercises general governmental authority were treated as an empowerment zone, or

''(IV) as part of an issue to be used for more than 1 of the purposes described in the preceding subclauses, and

''(ii) meets the requirements of subparagraphs (D) and (E).

''(C) QUALIFIED INDIAN TRIBAL GOVERNMENT.—For purposes of this paragraph, the term 'qualified Indian tribal government' means an Indian tribal government which exercises general governmental authority over an Indian reservation (as so defined) with an unemployment rate among members of the tribe of at least 25 percent. For purposes of the preceding sentence, determinations of unemployment shall be made with respect to any issuance of a bond under this section on the basis of the most recent report published by the Bureau of Indian Affairs under section 17(a) of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3416(a)) before such issuance.

''(D) DESIGNATION REQUIREMENTS.—A bond meets the requirements of this subparagraph if it is issued as part of an issue designated as a qualified Indian private activity bond for a purpose described in subclause (I), (II), or (III) of subparagraph (B)(i) by the qualified Indian tribal government.

''(E) VOLUME REQUIREMENTS.—

''(i) IN GENERAL.—A bond issued as part of an issue meets the requirements of this subparagraph if such bond is issued during 2002 (or during the period elected under clause (ii)) and the aggregate face amount of the bonds issued pursuant to such issue, when added to the aggregate face amount of qualified Indian private activity bonds previously issued by such qualified Indian tribal government, does not exceed $10,000,000.

''(ii) ELECTIVE CARRYFORWARD OF UNUSED LIMITATION.—If the volume cap under clause (i) exceeds the aggregate amount of qualified Indian private activity bonds issued during 2002, the qualified Indian tribal government may elect to carry forward such excess volume cap for an additional 3-year period under rules similar to the rules of section 146(f) (other than paragraph (2) thereof).

''(F) APPLICATION OF SECTION 42 TO RESIDENTIAL RENTAL PROJECTS FINANCED BY BONDS UNDER THIS PARAGRAPH.—In the case of bonds described in subparagraph (B)(i)(I), issuance under the requirements of subparagraph (E) shall be treated as issuance under the requirements of section 146 for purposes of determining the application of section 42 to projects financed by the net proceeds of such bonds.

''(G) SPECIAL RULE FOR DETERMINING ENTERPRISE ZONE BUSINESS.—For purposes of subparagraph (B)(i)(III), an enterprise zone business shall not include any facility a principal business of which is the sale of tobacco products or highway motor fuels, unless the qualified Indian tribal government has entered into an agreement with the State in which such facility is located to collect applicable State taxes on such products or fuels.

''(H) BOND INTEREST NOT AN AMT PREFERENCE ITEM.—For purposes of section 57(a)(5), a bond designated under subparagraph (D) as a qualified Indian private activity bond shall not be treated as a specified private activity bond.

''(I) REPORT.—The Secretary shall compile necessary data from reports required under section 149(e) relating to the issuance of bonds under this paragraph and shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than September 30 of any year following the calendar year in which Indian tribal governments issued bonds under this paragraph and the activities for which such bonds were issued.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 7871(c)(2) is amended by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''.

(2) Section 7871 is amended—

(A) by striking clause (iii) of subsection (c)(3)(E), and

(B) by adding at the end the following new subsection:

''(f) NET PROCEEDS.—For purposes of this section, the term 'net proceeds' has the meaning given such term by section 150(a)(3).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2001.

Subtitle B—Victims of Terrorism Tax Relief

SEC. 310. SHORT TITLE.

This subtitle may be cited as the ''Victims of Terrorism Tax Relief Act of 2001''.

PART I—RELIEF PROVISIONS FOR VICTIMS OF APRIL 19, 1995, AND SEPTEMBER 11, 2001, TERRORIST ATTACKS

SEC. 311. INCOME AND EMPLOYMENT TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) IN GENERAL.—Section 692 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

''(d) CERTAIN INDIVIDUALS DYING AS A RESULT OF APRIL 19, 1995, AND SEPTEMBER 11, 2001, TERRORIST ATTACKS.—

''(1) IN GENERAL.—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, any tax imposed by this subtitle shall not apply—

''(A) with respect to the taxable year in which falls the date of such individual's death, and

''(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds or injury were incurred.

''(2) EXCEPTIONS.—

''(A) TAXATION OF CERTAIN BENEFITS.—Subject to such rules as the Secretary may prescribe, paragraph (1) shall not apply to the amount of any tax imposed by this subtitle which would be computed by only taking into account the items of income, gain, or other amounts attributable to—

''(i) amounts payable in the taxable year by reason of the death of an individual described in paragraph (1) which would have been payable in such taxable year if the death had occurred by reason of an event other than the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or

''(ii) amounts payable in the taxable year which would not have been payable in such taxable year but for an action taken after April 19, 1995, or after September 11, 2001 (as the case may be).

''(B) NO RELIEF FOR PERPETRATORS.—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any such terrorist attack, or a representative of such individual.''.

(b) REFUND OF OTHER TAXES PAID.—Section 692, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(e) REFUND OF OTHER TAXES PAID.—In determining the amount of tax under this section to be credited or refunded as an overpayment with respect to any individual for any period, such amount shall be increased by an amount equal to the amount of taxes imposed and collected under chapter 21 and sections 3201(a), 3211(a)(1), and 3221(a) with respect to such individual for such period.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 5(b)(1) is amended by inserting ''and victims of certain terrorist attacks'' before ''on death''.

(2) Section 6013(f)(2)(B) is amended by inserting ''and victims of certain terrorist attacks'' before ''on death''.

(d) CLERICAL AMENDMENTS.—

(1) The heading of section 692 is amended to read as follows:

''SEC. 692. INCOME AND EMPLOYMENT TAXES OF MEMBERS OF ARMED FORCES AND VICTIMS OF CERTAIN TERRORIST ATTACKS ON DEATH.''.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended to read as follows:

''Sec. 692. Income and employment taxes of members of Armed Forces and victims of certain terrorist attacks on death.''.

(d) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending before, on, or after September 11, 2001.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 312. ESTATE TAX REDUCTION.

(a) IN GENERAL.—Section 2201 is amended to read as follows:

''SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.

''(a) IN GENERAL.—Unless the executor elects not to have this section apply, in applying section 2001 to the estate of a qualified decedent, the rate schedule set forth in subsection (c) shall be deemed to be the rate schedule set forth in section 2001(c).

''(b) QUALIFIED DECEDENT.—For purposes of this section, the term 'qualified decedent' means—

''(1) any citizen or resident of the United States dying while in active service of the Armed Forces of the United States, if such decedent—

''(A) was killed in action while serving in a combat zone, as determined under section 112(c), or

''(B) died as a result of wounds, disease, or injury suffered while serving in a combat zone (as determined under section 112(c)), and while in the line of duty, by reason of a hazard to which such decedent was subjected as an incident of such service, or

''(2) any individual who died as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001.

Paragraph (2) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any such terrorist attack, or a representative of such individual.

''(c) RATE SCHEDULE.—

''If the amount with respect to which the tentative tax to be computed is:	The tentative tax is:
Not over $150,000	1 percent of the amount by which such amount exceeds $100,000.
Over $150,000 but not over $200,000.	$500 plus 2 percent of the excess over $150,000.
Over $200,000 but not over $300,000.	$1,500 plus 3 percent of the excess over $200,000.
Over $300,000 but not over $500,000.	$4,500 plus 4 percent of the excess over $300,000.
Over $500,000 but not over $700,000.	$12,500 plus 5 percent of the excess over $500,000.
Over $700,000 but not over $900,000.	$22,500 plus 6 percent of the excess over $700,000.
Over $900,000 but not over $1,100,000.	$34,500 plus 7 percent of the excess over $900,000.
Over $1,100,000 but not over $1,600,000.	$48,500 plus 8 percent of the excess over $1,100,000.
Over $1,600,000 but not over $2,100,000.	$88,500 plus 9 percent of the excess over $1,600,000.
Over $2,100,000 but not over $2,600,000.	$133,500 plus 10 percent of the excess over $2,100,000.
Over $2,600,000 but not over $3,100,000.	$183,500 plus 11 percent of the excess over $2,600,000.
Over $3,100,000 but not over $3,600,000.	$238,500 plus 12 percent of the excess over $3,100,000.
Over $3,600,000 but not over $4,100,000.	$298,500 plus 13 percent of the excess over $3,600,000.
Over $4,100,000 but not over $5,100,000.	$363,500 plus 14 percent of the excess over $4,100,000.
Over $5,100,000 but not over $6,100,000.	$503,500 plus 15 percent of the excess over $5,100,000.
Over $6,100,000 but not over $7,100,000.	$653,500 plus 16 percent of the excess over $6,100,000.

''If the amount with respect to which the tentative tax to be computed is:	The tentative tax is:
Over $7,100,000 but not over $8,100,000.	$813,500 plus 17 percent of the excess over $7,100,000.
Over $8,100,000 but not over $9,100,000.	$983,500 plus 18 percent of the excess over $8,100,000.
Over $9,100,000 but not over $10,100,000.	$1,163,500 plus 19 percent of the excess over $9,100,000.
Over $10,100,000	$1,353,500 plus 20 percent of the excess over $10,100,000.

''(d) DETERMINATION OF UNIFIED CREDIT.—In the case of an estate to which this section applies, subsection (a) shall not apply in determining the credit under section 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2011 is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Section 2053(d)(3)(B) is amended by striking ''section 2011(e)'' and inserting ''section 2011(d)''.

(3) Paragraph (9) of section 532(c) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) CLERICAL AMENDMENT.—The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended to read as follows:

''Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks.''.

(d) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents—

(A) dying on or after September 11, 2001, and

(B) in the case of individuals dying as a result of the April 19, 1995, terrorist attack, dying on or after April 19, 1995.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 313. PAYMENTS BY CHARITABLE ORGANIZATIONS TREATED AS EXEMPT PAYMENTS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) payments made by an organization described in section 501(c)(3) of such Code by reason of the death, injury, or wounding of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made using an objective formula which is consistently applied, and

(2) in the case of a private foundation (as defined in section 509 of such Code), any payment described in paragraph (1) shall not be treated as made to a disqualified person for purposes of section 4941 of such Code.

(b) EFFECTIVE DATE.—This section shall apply to payments made on or after September 11, 2001.

SEC. 314. EXCLUSION OF CERTAIN CANCELLATIONS OF INDEBTEDNESS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of any taxpayer if the discharge is by reason of the death of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, and

(2) return requirements under section 6050P of such Code shall not apply to any discharge described in paragraph (1).

(b) EFFECTIVE DATE.—This section shall apply to discharges made on or after September 11, 2001, and before January 1, 2002.

PART II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

SEC. 321. EXCLUSION FOR DISASTER RELIEF PAYMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and inserting after section 138 the following new section:

''SEC. 139. DISASTER RELIEF PAYMENTS.

''(a) GENERAL RULE.—Gross income shall not include—

''(1) any amount received as payment under section 406 of the Air Transportation Safety and System Stabilization Act, or

''(2) any amount received by an individual as a qualified disaster relief payment.

''(b) QUALIFIED DISASTER RELIEF PAYMENT DEFINED.—For purposes of this section, the term 'qualified disaster relief payment' means any amount paid to or for the benefit of an individual—

''(1) to reimburse or pay reasonable and necessary personal, family, living, or funeral expenses incurred as a result of a qualified disaster,

''(2) to reimburse or pay reasonable and necessary expenses incurred for the repair or rehabilitation of a personal residence or repair or replacement of its contents to the extent that the need for such repair, rehabilitation, or replacement is attributable to a qualified disaster,

''(3) by a person engaged in the furnishing or sale of transportation as a common carrier by reason of the death or personal physical injuries incurred as a result of a qualified disaster, or

''(4) if such amount is paid by a Federal, State, or local government, or agency or instrumentality thereof, in connection with a qualified disaster in order to promote the general welfare,

but only to the extent any expense compensated by such payment is not otherwise compensated for by insurance or otherwise.

''(c) QUALIFIED DISASTER DEFINED.—For purposes of this section, the term 'qualified disaster' means—

''(1) a disaster which results from a terroristic or military action (as defined in section 692(c)(2)),

''(2) a Presidentially declared disaster (as defined in section 1033(h)(3)),

''(3) a disaster which results from an accident involving a common carrier, or from any other event, which is determined by the Secretary to be of a catastrophic nature, or

''(4) with respect to amounts described in subsection (b)(4), a disaster which is determined by an applicable Federal, State, or local authority (as determined by the Secretary) to warrant assistance from the Federal, State, or local government or agency or instrumentality thereof.

''(d) COORDINATION WITH EMPLOYMENT TAXES.—For purposes of chapter 2 and subtitle C, a qualified disaster relief payment shall not be treated as net earnings from self-employment, wages, or compensation subject to tax.

''(e) NO RELIEF FOR CERTAIN INDIVIDUALS.—Subsection (a) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in a terroristic action (as so defined), or a representative of such individual.''.

(b) CONFORMING AMENDMENTS.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 139 and inserting the following new items:

''Sec. 139. Disaster relief payments.

''Sec. 140. Cross references to other Acts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 322. AUTHORITY TO POSTPONE CERTAIN DEADLINES AND REQUIRED ACTIONS.

(a) EXPANSION OF AUTHORITY RELATING TO DISASTERS AND TERRORISTIC OR MILITARY ACTIONS.—Section 7508A is amended to read as follows:

''SEC. 7508A. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

''(a) IN GENERAL.—In the case of a taxpayer determined by the Secretary to be affected by a Presidentially declared disaster (as defined in section 1033(h)(3)) or a terroristic or military action (as defined in section 692(c)(2)), the Secretary may specify a period of up to one year that may be disregarded in determining, under the internal revenue laws, in respect of any tax liability of such taxpayer—

''(1) whether any of the acts described in paragraph (1) of section 7508(a) were performed within the time prescribed therefor (determined without regard to extension under any other provision of this subtitle for periods after the date (determined by the Secretary) of such disaster or action),

''(2) the amount of any interest, penalty, additional amount, or addition to the tax for periods after such date, and

''(3) the amount of any credit or refund.

''(b) SPECIAL RULES REGARDING PENSIONS, ETC.—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a disaster or action described in subsection (a), the Secretary may specify a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this title. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.

''(c) SPECIAL RULES FOR OVERPAYMENTS.—The rules of section 7508(b) shall apply for purposes of this section.''.

(b) CLARIFICATION OF SCOPE OF ACTS SECRETARY MAY POSTPONE.—Section 7508(a)(1)(K) (relating to time to be disregarded) is amended by striking ''in regulations prescribed under this section''.

(c) CONFORMING AMENDMENTS TO ERISA.—

(1) Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

''SEC. 518. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

''In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terroristic or military action (as defined in

section 692(c)(2) of such Code), the Secretary may, notwithstanding any other provision of law, prescribe, by notice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.''.

(2) Section 4002 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) is amended by adding at the end the following new subsection:

''(i) SPECIAL RULES REGARDING DISASTERS, ETC.—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terroristic or military action (as defined in section 692(c)(2) of such Code), the corporation may, notwithstanding any other provision of law, prescribe, by notice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.''.

(d) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 6404 is amended—

(A) by striking subsection (h),

(B) by redesignating subsection (i) as subsection (h), and

(C) by adding at the end the following new subsection:

''(i) CROSS REFERENCE.—

"For authority of the Secretary to abate certain amounts by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.".

(2) Section 6081(c) is amended to read as follows:

''(c) CROSS REFERENCES.—

"For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.".

(3) Section 6161(d) is amended by adding at the end the following new paragraph:

''(3) POSTPONEMENT OF CERTAIN ACTS.—

"For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.".

(d) CLERICAL AMENDMENTS.—

(1) The item relating to section 7508A in the table of sections for chapter 77 is amended to read as follows:

''Sec. 7508A. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terroristic or military actions.''.

(2) The table of contents for the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 517 the following new item:

''Sec. 518. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terroristic or military actions.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters and terroristic or military actions occurring on or after September 11, 2001, with respect to any action of the Secretary of the Treasury, the Secretary of Labor, or the Pension Benefit Guaranty Corporation occurring on or after the date of the enactment of this Act.

SEC. 323. INTERNAL REVENUE SERVICE DISASTER RESPONSE TEAM.

(a) IN GENERAL.—Section 7508A, as amended by section 322(a), is amended by adding at the end the following new subsection:

''(d) DUTIES OF DISASTER RESPONSE TEAM.—The Secretary shall establish as a permanent office in the national office of the Internal Revenue Service a disaster response team which, in coordination with the Federal Emergency Management Agency, shall assist taxpayers in clarifying and resolving Federal tax matters associated with or resulting from any Presidentially declared disaster (as defined in section 1033(h)(3)) or a terroristic or military action (as defined in section 692(c)(2)).''.

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

SEC. 324. APPLICATION OF CERTAIN PROVISIONS TO TERRORISTIC OR MILITARY ACTIONS.

(a) EXCLUSION FOR DEATH BENEFITS.—Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

''(i) CERTAIN EMPLOYEE DEATH BENEFITS PAYABLE BY REASON OF DEATH FROM TERRORISTIC OR MILITARY ACTIONS.—

''(1) IN GENERAL.—Gross income does not include amounts which are received (whether in a single sum or otherwise) if such amounts are paid by an employer by reason of the death of an employee incurred as a result of a terroristic or military action (as defined in section 692(c)(2)).

''(2) NO RELIEF FOR CERTAIN INDIVIDUALS.—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in a terroristic action (as so defined), or a representative of such individual.

''(3) TREATMENT OF SELF-EMPLOYED INDIVIDUALS.—For purposes of this subsection, the term 'employee' includes a self-employed person (as described in section 401(c)(1)).''.

(b) DISABILITY INCOME.—Section 104(a)(5) (relating to compensation for injuries or sickness) is amended by striking ''a violent attack'' and all that follows through the period and inserting ''a terroristic or military action (as defined in section 692(c)(2)).''.

(c) EXEMPTION FROM INCOME TAX FOR CERTAIN MILITARY OR CIVILIAN EMPLOYEES.—Section 692(c) is amended—

(1) by striking ''outside the United States'' in paragraph (1), and

(2) by striking ''SUSTAINED OVERSEAS'' in the heading.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 325. CLARIFICATION OF DUE DATE FOR AIRLINE EXCISE TAX DEPOSITS.

(a) IN GENERAL.—Paragraph (3) of section 301(a) of the Air Transportation Safety and System Stabilization Act (Public Law 107–42) is amended to read as follows:

''(3) AIRLINE-RELATED DEPOSIT.—For purposes of this subsection, the term 'airline-related deposit' means any deposit of taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 301 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42).

SEC. 326. COORDINATION WITH AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT.

No reduction in Federal tax liability by reason of any provision of, or amendment made by, this title shall be considered as being received from a collateral source for purposes of section 402(4) of the Air Transportation Safety and System Stabilization Act (Public Law 107–42).

PART III—DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS

SEC. 331. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS.

(a) DISCLOSURE WITHOUT A REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Paragraph (3) of section 6103(i) (relating to disclosure of return information to apprise appropriate officials of criminal activities or emergency circumstances) is amended by adding at the end the following new subparagraph:

''(C) TERRORIST ACTIVITIES, ETC.—

''(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may disclose in writing return information (other than taxpayer return information) that may be related to a terrorist incident, threat, or activity to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to such terrorist incident, threat, or activity. The head of the agency may disclose such return information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

''(ii) DISCLOSURE TO THE DEPARTMENT OF JUSTICE.—Returns and taxpayer return information may also be disclosed to the Attorney General under clause (i) to the extent necessary for, and solely for use in preparing, an application under paragraph (7)(D).

''(iii) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

''(iv) TERMINATION.—No disclosure may be made under this subparagraph after December 31, 2003.''.

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Subsection (i) of section 6103 (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—

''(A) DISCLOSURE TO LAW ENFORCEMENT AGENCIES.—

''(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (iii), the Secretary may disclose return information (other than taxpayer return information) to officers and employees of any Federal law enforcement agency who are personally and directly engaged in the response to or investigation of terrorist incidents, threats, or activities.

''(ii) DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—The head of any Federal law enforcement agency may disclose return information obtained under clause (i) to officers and employees of any State or local law enforcement agency but only if such agency is part of a team with the Federal law enforcement agency in such response or investigation and such information is disclosed only to officers and employees who are personally and directly engaged in such response or investigation.

''(iii) REQUIREMENTS.—A request meets the requirements of this clause if—

''(I) the request is made by the head of any Federal law enforcement agency (or his delegate) involved in the response to or investigation of terrorist incidents, threats, or activities, and

''(II) the request sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

''(iv) LIMITATION ON USE OF INFORMATION.—Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

''(B) DISCLOSURE TO INTELLIGENCE AGENCIES.—

''(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (ii), the Secretary may disclose return information (other than taxpayer return information) to those officers and employees of the Department of Justice, the Department of the Treasury, and other Federal intelligence agencies who are personally and directly engaged in the collection or analysis of intelligence and counterintelligence information or investigation concerning terrorists and terrorist organizations and activities. For purposes of the preceding sentence, the information disclosed under the preceding sentence shall be solely for the use of such officers and employees in such investigation, collection, or analysis.

''(ii) REQUIREMENTS.—A request meets the requirements of this subparagraph if the request—

''(I) is made by an individual described in clause (iii), and

''(II) sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

''(iii) REQUESTING INDIVIDUALS.—An individual described in this subparagraph is an individual—

''(I) who is an officer or employee of the Department of Justice or the Department of the Treasury who is appointed by the President with the advice and consent of the Senate or who is the Director of the United States Secret Service, and

''(II) who is responsible for the collection and analysis of intelligence and counterintelligence information concerning terrorists and terrorist organizations and activities.

''(iv) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

''(C) DISCLOSURE UNDER EX PARTE ORDERS.—

''(i) IN GENERAL.—Except as provided in paragraph (6), any return or return information with respect to any specified taxable period or periods shall, pursuant to and upon the grant of an ex parte order by a Federal district court judge or magistrate under clause (ii), be open (but only to the extent necessary as provided in such order) to inspection by, or disclosure to, officers and employees of any Federal law enforcement agency or Federal intelligence agency who are personally and directly engaged in any investigation, response to, or analysis of intelligence and counterintelligence information concerning any terrorist activity or threats. Return or return information opened pursuant to the preceding sentence shall be solely for the use of such officers and employees in the investigation, response, or analysis, and in any judicial, administrative, or grand jury proceedings, pertaining to any such terrorist activity or threat.

''(ii) APPLICATION FOR ORDER.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, or any United States attorney may authorize an application to a Federal district court judge or magistrate for the order referred to in clause (i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that—

''(I) there is reasonable cause to believe, based upon information believed to be reliable, that the return or return information may be relevant to a matter relating to such terrorist activity or threat, and

''(II) the return or return information is sought exclusively for use in a Federal investigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

''(D) SPECIAL RULE FOR EX PARTE DISCLOSURE BY THE IRS.—

''(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may authorize an application to a Federal district court judge or magistrate for the order referred to in subparagraph (C)(i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that the requirements of subparagraph (C)(ii)(I) are met.

''(ii) LIMITATION ON USE OF INFORMATION.—Information disclosed under clause (i)—

''(I) may be disclosed only to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to a terrorist incident, threat, or activity, and

''(II) shall be solely for use in a Federal investigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

The head of such Federal agency may disclose such information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

''(E) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2003.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 6103(a)(2) is amended by inserting ''any local law enforcement agency receiving information under subsection (i)(7)(A),'' after ''State,''.

(2) The heading of section 6103(i)(3) is amended by inserting ''OR TERRORIST'' after ''CRIMINAL''.

(3) Paragraph (4) of section 6103(i) is amended—

(A) in subparagraph (A) by inserting ''or (7)(C)'' after ''paragraph (1)'', and

(B) in subparagraph (B) by striking ''or (3)(A)'' and inserting ''(3)(A) or (C), or (7)''.

(4) Paragraph (6) of section 6103(i) is amended—

(A) by striking ''(3)(A)'' and inserting ''(3)(A) or (C)'', and

(B) by striking ''or (7)'' and inserting ''(7), or (8)''.

(5) Section 6103(p)(3) is amended—

(A) in subparagraph (A) by striking ''(7)(A)(ii)'' and inserting ''(8)(A)(ii)'', and

(B) in subparagraph (C) by striking ''(i)(3)(B)(i)'' and inserting ''(i)(3)(B)(i) or (7)(A)(ii)''.

(6) Section 6103(p)(4) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''or (5),'' the first place it appears and inserting ''(5), or (7),'', and

(ii) by striking ''(i)(3)(B)(i),'' and inserting ''(i)(3)(B)(i) or (7)(A)(ii),'', and

(B) in subparagraph (F)(ii) by striking ''or (5),'' the first place it appears and inserting ''(5) or (7),''.

(7) Section 6103(p)(6)(B)(i) is amended by striking ''(i)(7)(A)(ii)'' and inserting ''(i)(8)(A)(ii)''.

(8) Section 6105(b) is amended—

(A) by striking ''or'' at the end of paragraph (2),

(B) by striking ''paragraphs (1) or (2)'' in paragraph (3) and inserting ''paragraph (1), (2), or (3)'',

(C) by redesignating paragraph (3) as paragraph (4), and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) to the disclosure of tax convention information on the same terms as return information may be disclosed under paragraph (3)(C) or (7) of section 6103(i), except that in the case of tax convention information provided by a foreign government, no disclosure may be made under this paragraph without the written consent of the foreign government, or''.

(9) Section 7213(a)(2) is amended by striking ''(i)(3)(B)(i),'' and inserting ''(i)(3)(B)(i) or (7)(A)(ii),''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made on or after the date of the enactment of this Act.

TITLE IV—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

SEC. 401. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''RULE FOR 2000 AND 2001.—'' and inserting ''RULE FOR 2000, 2001, AND 2002.—'', and

(2) by striking ''during 2000 or 2001,'' and inserting ''during 2000, 2001, or 2002,''.

(b) CONFORMING AMENDMENTS.—

(1) Section 904(h) is amended by striking ''during 2000 or 2001'' and inserting ''during 2000, 2001, or 2002''.

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2002.

(c) TECHNICAL CORRECTION.—Section 24(d)(1)(B) is amended by striking ''amount of credit allowed by this section'' and inserting ''aggregate amount of credits allowed by this subpart''.

(d) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2001.

(2) The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2000.

SEC. 402. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''2001'' and inserting ''2002''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 403. WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Subsection (f) of section 51A is amended by striking ''2001'' and inserting ''2002''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 404. CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) IN GENERAL.—Subparagraphs (A), (B), and (C) of section 45(c)(3) are each amended by striking ''2002'' and inserting ''2003''.

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

SEC. 405. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking ''2002'' and inserting ''2003''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 406. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''2000, and 2001'' and inserting ''2000, 2001, and 2002''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 407. SUBPART F EXEMPTION FOR ACTIVE FINANCING.

(a) IN GENERAL.—

(1) Section 953(e)(10) is amended—

(A) by striking ''2002'' and inserting ''2003'', and

(B) by striking ''2001'' and inserting ''2002''.

(2) Section 954(h)(9) is amended by striking ''2002'' and inserting ''2003''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 408. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''2002'' and inserting ''2003''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 409. DELAY IN EFFECTIVE DATE OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 (Public Law 105–34) is amended by striking ''2002'' and inserting ''2003''.

SEC. 410. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

(a) IN GENERAL.—Section 179A is amended—

(1) in subsection (b)(1)(B)—

(A) by striking ''December 31, 2001,'' and inserting ''December 31, 2002,'', and

(B) in clauses (i), (ii), and (iii), by striking ''2002'', ''2003'', and ''2004'', respectively, and inserting ''2003'', ''2004'', and ''2005'', respectively, and

(2) in subsection (f), by striking ''2004'' and inserting ''2005''.

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

SEC. 411. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30 is amended—

(1) in subsection (b)(2)—

(A) by striking ''December 31, 2001,'' and inserting ''December 31, 2002,'', and

(B) in subparagraphs (A), (B), and (C), by striking ''2002'', ''2003'', and ''2004'', respectively, and inserting ''2003'', ''2004'', and ''2005'', respectively, and

(2) in subsection (e), by striking ''2004'' and inserting ''2005''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 280F(a)(1) is amended by adding at the end the following new clause

''(iii) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall apply to property placed in service after August 5, 1997, and before January 1, 2005.''.

(2) Subsection (b) of section 971 of the Taxpayer Relief Act of 1997 is amended by striking ''and before January 1, 2005''.

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

SEC. 412. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 is amended by striking ''2001'' and inserting ''2002''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 413. COMBINED EMPLOYMENT TAX REPORTING.

(a) DEMONSTRATION PROJECT.—Section 976 of the Taxpayer Relief Act of 1997 is amended by striking ''with the date which is 5 years after the date of the enactment of this Act'' and inserting ''on December 31, 2002''.

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

TITLE V—EXTENSION OF ADDITIONAL PROVISIONS EXPIRING IN 2001

SEC. 501. GENERALIZED SYSTEM OF PREFERENCES.

(a) EXTENSION OF DUTY-FREE TREATMENT UNDER SYSTEM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''September 30, 2001'' and inserting ''December 31, 2002''.

(b) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—

(A) ENTRY OF CERTAIN ARTICLES.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (2), the entry—

(i) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on September 30, 2001;

(ii) that was made after September 30, 2001, and before the date of enactment of this Act; and

(iii) to which duty-free treatment under title V of that Act did not apply,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—In this subsection, the term ''entry'' includes a withdrawal from warehouse for consumption.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 502. ANDEAN TRADE PREFERENCE ACT.

(a) IN GENERAL.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b))is amended by striking ''10 years after December 4, 1991'' and inserting ''after June 4, 2002''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 5, 2001.

SEC. 503. REAUTHORIZATION OF TRADE ADJUSTMENT ASSISTANCE.

(a) ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by striking ''October 1, 1998, and ending September 30, 2001,'' each place it appears and inserting ''October 1, 2001, and ending December 31, 2002,''.

(b) ASSISTANCE FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking ''October 1, 1998, and ending September 30, 2001'' and inserting ''October 1, 2001, and ending December 31, 2002,''.

(c) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2771 note) is amended in paragraphs (1) and (2)(A), by striking ''September 30, 2001'' and inserting ''December 31, 2002''.

(d) TRAINING LIMITATION UNDER NAFTA PROGRAM.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking ''October 1, 1998, and ending September 30, 2001'' and inserting ''October 1, 2001, and ending December 31, 2002''.

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

TITLE VI—HEALTH INSURANCE COVERAGE OPTIONS FOR RECENTLY UNEMPLOYED INDIVIDUALS AND THEIR FAMILIES

SEC. 601. PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE FOR INDIVIDUALS AND THEIR FAMILIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Labor, shall establish a program under which 75 percent of the premium for COBRA continuation coverage shall be provided for an individual who—

(A) at any time during the period that begins on September 11, 2001, and ends on December 31, 2002, is separated from employment; and

(B) is eligible for, and has elected coverage under, COBRA continuation coverage.

(2) INCLUSION OF CERTAIN INDIVIDUALS.—For purposes of paragraph (1), the spouse, child, or other individual who was an insured under health insurance coverage of an individual who was killed as a result of the terrorist-related aircraft crashes on September 11, 2001, or as a result of any other terrorist-related event occurring during the period described in that paragraph, and who is eligible for, and has elected coverage under, COBRA continuation coverage shall be eligible for premium assistance under the program established under this section.

(3) STATE OPTION TO ELECT ADMINISTRATION OF PROGRAM.—

(A) IN GENERAL.—A State may elect to administer the premium assistance program established under this section if the State submits to the Secretary of the Treasury, not later than January 1, 2002, a plan that describes how the State will administer such program on behalf of the individuals described in paragraph (1) or (2) who reside in the State beginning on that date.

(B) STATE ENTITLEMENT.—In the case of a State that submits a plan under subparagraph (A), the Secretary of the Treasury shall pay to each such State an amount for each quarter equal to the total amount of premium subsidies provided in that quarter on behalf of such individuals.

(4) IMMEDIATE IMPLEMENTATION.—The program established under this section shall be implemented without regard to whether or not final regulations to carry out such program have been promulgated by the date described in paragraph (1).

(b) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—

(1) IN GENERAL.—Premium assistance provided in accordance with this section shall end with respect to an individual on the earlier of—

(A) the date the individual is no longer covered under COBRA continuation coverage; or

(B) 12 months after the date the individual is first enrolled in the premium assistance program established under this section.

(2) NO ASSISTANCE AFTER DECEMBER 31, 2002.—No premium assistance (including payment for such assistance) may be provided under this section after December 31, 2002.

(c) PAYMENT ARRANGEMENTS; CREDITING OF ASSISTANCE.—

(1) PROVISION OF ASSISTANCE.—

(A) IN GENERAL.—Premium assistance shall be provided under the program established under this section through direct payment arrangements with a group health plan (including a multiemployer plan), an issuer of health insurance coverage, an administrator, or an employer as appropriate with respect to the individual provided such assistance.

(B) ADDITIONAL OPTION FOR STATE-RUN PROGRAM.—In the case of a State that elects to administer the program established under this section, such assistance may be provided through

the State public employment office or other agency responsible for administering the State unemployment compensation program.

(2) PREMIUMS PAYABLE BY INDIVIDUAL REDUCED BY AMOUNT OF ASSISTANCE.—Premium assistance provided under this section shall be credited by the group health plan, issuer of health insurance coverage, or an administrator against the premium otherwise owed by the individual involved for COBRA continuation coverage.

(d) PROGRAM REQUIREMENTS.—Premium assistance shall be provided under the program established under this section consistent with the following:

(1) ALL QUALIFYING INDIVIDUALS MAY APPLY.—All individuals described in paragraph (1) or (2) of subsection (a) may apply for such assistance at any time during the period described in subsection (a)(1)(A).

(2) SELECTION ON FIRST-COME, FIRST-SERVED BASIS.—Such assistance shall be provided to such individuals who apply for the assistance in the order in which they apply.

(e) LIMITATION ON ENTITLEMENT.—Nothing in this section shall be construed as establishing any entitlement of individuals described in paragraph (1) or (2) of subsection (a) to premium assistance under this section.

(f) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium assistance provided to, or on behalf of, an individual under this section, shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other Federal public benefit or State or local public benefit.

(g) CHANGE IN COBRA NOTICE.—

(1) GENERAL NOTICE.—

(A) IN GENERAL.—In the case of notices provided under section 4980B(f)(6) of the Internal Revenue Code of 1986, section 2206 of the Public Health Service Act (42 U.S.C. 300bb–6), section 606 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166), or section 8905a(f)(2)(A) of title 5, United States Code, with respect to individuals who, during the period described in subsection (a)(1)(A), become entitled to elect COBRA continuation coverage, such notices shall include an additional notification to the recipient of the availability of premium assistance for such coverage under this section and for temporary medicaid assistance under section 603 for the remaining portion of COBRA continuation premiums.

(B) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of the Treasury, in consultation with the Secretary of Labor, shall, in coordination with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, assure the provision of such notice.

(C) FORM.—The requirement of the additional notification under this paragraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(2) SPECIFIC REQUIREMENTS.—Each additional notification under paragraph (1) shall include—

(A) the forms necessary for establishing eligibility and enrollment in the premium assistance program established under this section in connection with the coverage with respect to each covered employee or other qualified beneficiary;

(B) the name, address, and telephone number necessary to contact the administrator and any other person maintaining relevant information in connection with the premium assistance; and

(C) the following statement displayed in a prominent manner:

''You may be eligible to receive assistance with payment of 75 percent of your COBRA continuation coverage premiums and with temporary medicaid coverage for the remaining premium portion for a duration of not to exceed 12 months.''.

(3) NOTICE RELATING TO RETROACTIVE COVERAGE.—In the case of such notices previously transmitted before the date of enactment of this Act in the case of an individual described in paragraph (1) who has elected (or is still eligible to elect) COBRA continuation coverage as of the date of enactment of this Act, the administrator of the group health plan (or other entity) involved or the Secretary of the Treasury, in consultation with the Secretary of Labor, (in the case described in the paragraph (1)(B)) shall provide (within 60 days after the date of enactment of this Act) for the additional notification required to be provided under paragraph (1).

(4) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall prescribe models for the additional notification required under this subsection.

(h) REPORTS.—Beginning on January 1, 2002, and every 3 months thereafter until January 1, 2003, the Secretary of the Treasury shall submit a report to Congress regarding the premium assistance program established under this section that includes the following:

(1) The status of the implementation of the program.

(2) The number of individuals provided assistance under the program as of the date of the report.

(3) The average dollar amount (monthly and annually) of the premium assistance provided under the program.

(4) The number and identification of the States that have elected to administer the program.

(5) The total amount of expenditures incurred (with administrative expenditures noted separately) under the program as of the date of the report.

(i) APPROPRIATION.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, such sums as are necessary for each of fiscal years 2002 and 2003.

(2) OBLIGATION OF FUNDS.—This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of premium assistance under this section.

(j) SUNSET.—No premium assistance (including payment for such assistance) may be provided under this section after December 31, 2002.

SEC. 602. STATE OPTION TO PROVIDE TEMPORARY MEDICAID COVERAGE FOR CERTAIN UNINSURED INDIVIDUALS.

(a) STATE OPTION.—Notwithstanding any other provision of law, a State may elect to provide under its medicaid program under title XIX of the Social Security Act medical assistance in the case of an individual—

(1) who at any time during the period that begins on September 11, 2001, and ends on December 31, 2002, is separated from employment;

(2) who is not eligible for COBRA continuation coverage;

(3) who is uninsured; and

(4) whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish.

(b) LIMITATION OF PERIOD OF COVERAGE.—Medical assistance provided in accordance with this section shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer uninsured; or

(2) subject to subsection (c)(4), 12 months after the date the individual first receives such assistance.

(c) SPECIAL RULES.—In the case of medical assistance provided under this section—

(1) the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall be the enhanced FMAP (as defined in section 2105(b) of such Act (42 U.S.C. 1397ee(b)));

(2) a State may elect to apply any income, asset, or resource limitation permitted under the State medicaid plan or under title XIX of such Act;

(3) the provisions of section 1916(g) of the Social Security Act (42 U.S.C. 1396o) shall apply to the provision of such assistance in the same manner as the provisions of such section apply with respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii));

(4) a State may elect to provide such assistance in accordance with section 1902(a)(34) of the Social Security Act (42 U.S.C. 1396a(a)(34)) and any assistance provided with respect to a month described in that section shall not be included in the determination of the 12-month period under subsection (b)(2);

(5) a State may elect to make eligible for such medical assistance a dependent spouse or children of an individual eligible for medical assistance under subsection (a), if such spouse or children are uninsured;

(6) individuals eligible for medical assistance under this section shall be deemed to be described in the list of individuals described in the matter preceding paragraph (1) of section 1905(a) of such Act (42 U.S.C. 1396d(a));

(7) a State may elect to provide such medical assistance without regard to any limitation under sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(a), 1612(b), 1613, and 1631) and no debt shall accrue under an affidavit of support against any sponsor of an individual who is an alien who is provided such assistance, and the cost of such assistance shall not be considered as an unreimbursed cost; and

(8) the Secretary of Health and Human Services shall not count, for purposes of section 1108(f) of the Social Security Act (42 U.S.C. 1308(f)), such amount of payments under this section as bears a reasonable relationship to the average national proportion of payments made under this section for the 50 States and the District of Columbia to the payments otherwise made under title XIX for such States and District.

(d) SUNSET.—No medical assistance may be provided under this section after December 31, 2002.

SEC. 603. STATE OPTION TO PROVIDE TEMPORARY COVERAGE UNDER MEDICAID FOR THE UNSUBSIDIZED PORTION OF COBRA CONTINUATION PREMIUMS.

(a) STATE OPTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State may elect to provide under its medicaid program under title XIX of the Social Security Act medical assistance in the form of payment for the portion of the premium for COBRA continuation coverage for which an individual does not receive a subsidy under the premium assistance program established under section 601 in the case of an individual—

(A) who at any time during the period that begins on September 11, 2001, and ends on December 31, 2002, is separated from employment;

(B) who is eligible for, and has elected coverage under, COBRA continuation coverage;

(C) who is receiving premium assistance under the program established under section 601; and

(D) whose family income does not exceed 200 percent of the poverty line.

(2) INCLUSION OF CERTAIN INDIVIDUALS.—For purposes of paragraph (1), the spouse, child, or

other individual who was an insured under health insurance coverage of an individual who was killed as a result of the terrorist-related aircraft crashes on September 11, 2001, or as a result of any other terrorist-related event occurring during the period described in that paragraph, and who satisfies the requirements of subparagraphs (B), (C), and (D) of paragraph (1) shall be eligible for medical assistance under this section.

(b) LIMITATION OF PERIOD OF COVERAGE.—Medical assistance provided in accordance with this section shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer covered under COBRA continuation coverage; or

(2) 12 months after the date the individual first receives such assistance under this section.

(c) SPECIAL RULES.—In the case of medical assistance provided under this section—

(1) such assistance may be provided without regard to—

(A) whether the State otherwise has elected to make medical assistance available for COBRA premiums under section 1902(a)(10)(F) of the Social Security Act (42 U.S.C. 1396a(a)(10)(F)); or

(B) the conditions otherwise imposed for the provision of medical assistance for such COBRA premiums under clause (XII) of the matter following section 1902(a)(10)(G) of the Social Security Act (42 U.S.C. 1396a(a)(10)(G)), or paragraphs (1)(B), (1)(C), (1)(D), and (4) of section 1902(u) of such Act (42 U.S.C. 1396a(u)); and

(2) paragraphs (1), (2), (4), (5), (7), and (8) of subsection (c) of section 602 apply to such assistance in the same manner as such paragraphs apply to the provision of medical assistance under that section.

(d) SUNSET.—No medical assistance may be provided under this section after December 31, 2002.

SEC. 604. TEMPORARY INCREASES OF MEDICAID FMAP FOR FISCAL YEAR 2002.

(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2001 FMAP.—Notwithstanding any other provision of law, but subject to subsection (d), if the FMAP determined without regard to this section for a State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for fiscal year 2002, before the application of this section.

(b) GENERAL 1.50 PERCENTAGE POINTS INCREASE.—Notwithstanding any other provision of law, but subject to subsections (d) and (e), for each State for each calendar quarter in fiscal year 2002, the FMAP (taking into account the application of subsection (a)) shall be increased by 1.50 percentage points.

(c) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to subsections (d) and (e), the FMAP for a high unemployment State for a calendar quarter in fiscal year 2002 (and any subsequent calendar quarter in such fiscal year regardless of whether the State continues to be a high unemployment State for a calendar quarter in such fiscal year) shall be increased (after the application of subsections (a) and (b)) by 1.50 percentage points.

(2) HIGH UNEMPLOYMENT STATE.—For purposes of this subsection, a State is a high unemployment State for a calendar quarter if, for any 3 consecutive months beginning on or after June 2001 and ending with the second month before the beginning of the calendar quarter, the State has an unemployment rate that exceeds the national average unemployment rate. Such unemployment rates for such months shall be determined based on publications of the Bureau of Labor Statistics of the Department of Labor.

(d) 1-YEAR INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, with respect to fiscal year 2002, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 3.093 percentage points of such amounts.

(e) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4); and

(2) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(f) STATE ELIGIBILITY.—A State is eligible for an increase in its FMAP under subsection (b) or (c) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on October 1, 2001.

SEC. 605. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''administrator'' has the meaning given that term in section 3(16)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(16)(A)).

(2) COBRA CONTINUATION COVERAGE.—

(A) IN GENERAL.—The term ''COBRA continuation coverage'' means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or section 8905a of title 5, United States Code.

(B) APPLICATION TO EMPLOYERS IN STATES REQUIRING SUCH COVERAGE.—Such term includes such coverage provided by an employer in a State that has enacted a law that requires the employer to provide such coverage even though the employer would not otherwise be required to provide such coverage under the provisions of law referred to in subparagraph (A).

(3) COVERED EMPLOYEE.—The term ''covered employee'' has the meaning given that term in section 607(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(2)).

(4) FEDERAL PUBLIC BENEFIT.—The term ''Federal public benefit'' has the meaning given that term in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)).

(5) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(6) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a)) and in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)).

(7) HEALTH INSURANCE COVERAGE.—The term ''health insurance coverage'' has the meaning given that term in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(b)(1)).

(8) MULTIEMPLOYER PLAN.—The term ''multiemployer plan'' has the meaning given that term in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)).

(9) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

(10) QUALIFIED BENEFICIARY.—The term ''qualified beneficiary'' has the meaning given that term in section 607(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(3)).

(11) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(12) STATE OR LOCAL PUBLIC BENEFIT.—The term ''State or local public benefit'' has the meaning given that term in section 411(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(c)).

(13) UNINSURED.—

(A) IN GENERAL.—The term ''uninsured'' means, with respect to an individual, that the individual is not covered under—

(i) a group health plan;

(ii) health insurance coverage; or

(iii) a program under title XVIII, XIX, or XXI of the Social Security Act (other than under such title XIX pursuant to section 602).

(B) EXCLUSION.—Such coverage under clause (i) or (ii) shall not include coverage consisting solely of coverage of excepted benefits (as defined in section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg–91(c)).

TITLE VII—TEMPORARY ENHANCED UNEMPLOYMENT BENEFITS

SEC. 701. SHORT TITLE.

This title may be cited as the ''Temporary Unemployment Compensation Act of 2001''.

SEC. 702. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) IN GENERAL.—Any agreement under subsection (a) shall provide that the State agency of the State will make—

(A) payments of regular compensation to individuals in amounts and to the extent that such payments would be determined if the State law were applied with the modifications described in paragraph (2); and

(B) payments of temporary supplemental unemployment compensation to individuals who—

(i) have exhausted all rights to regular compensation under the State law;

(ii) do not, with respect to a week, have any rights to compensation (excluding extended compensation) under the State law of any other State (whether one that has entered into an agreement under this title or otherwise) nor compensation under any other Federal law (other than under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)), and are not paid or entitled to be paid any additional compensation under any Federal or State law; and

(iii) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(2) MODIFICATIONS DESCRIBED.—The modifications described in this paragraph are as follows:

(A) ALTERNATIVE BASE PERIOD.—An individual shall be eligible for regular compensation if the individual would be so eligible, determined by applying—

(i) the base period that would otherwise apply under the State law if this title had not been enacted; or

(ii) a base period ending at the close of the calendar quarter most recently completed before the date of the individual's application for benefits, provided that wage data for that quarter has been reported to the State;

whichever results in the greater amount.

(B) PART-TIME EMPLOYMENT.—An individual shall not be denied regular compensation under the State law's provisions relating to availability for work, active search for work, or refusal to accept work, solely by virtue of the fact

that such individual is seeking, or is available for, only part-time (and not full-time) work, if—

(i) the individual's employment on which eligibility for the regular compensation is based was part-time employment; or

(ii) the individual can show good cause for seeking, or being available for, only part-time (and not full-time) work.

(C) INCREASED BENEFITS.—

(i) IN GENERAL.—The amount of regular compensation (including dependents' allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this subparagraph), plus an amount equal to the greater of—

(I) 15 percent of the amount so determined; or

(II) $25.

(ii) ROUNDING.—For purposes of determining the amount under clause (i)(I), such amount shall be rounded to the dollar amount specified under State law.

(c) NONREDUCTION RULE.—Under the agreement, subsection (b)(2)(C) shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a way such that—

(1) the average weekly amount of regular compensation which will be payable during the period of the agreement (determined disregarding the modifications described in subsection (b)(2)) will be less than

(2) the average weekly amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on September 11, 2001.

(d) COORDINATION RULES.—

(1) REGULAR COMPENSATION PAYABLE UNDER A FEDERAL LAW.—The modifications described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

(2) TSUC TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, extended benefits shall not be payable to any individual for any week for which temporary supplemental unemployment compensation is payable to such individual.

(e) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(B)(i), an individual shall be considered to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(f) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TSUC.—For purposes of any agreement under this title—

(1) the amount of temporary supplemental unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary supplemental unemployment compensation and the payment thereof, except where inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary supplemental unemployment compensation payable to any individual for whom a temporary supplemental unemployment compensation account is established under section 703 shall not exceed the amount established in such account for such individual.

SEC. 703. TEMPORARY SUPPLEMENTAL UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary supplemental unemployment compensation, a temporary supplemental unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

(B) 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(3) RULE OF CONSTRUCTION.—For purposes of any computation under paragraph (1) (and any determination of amount under section 702(f)(1)), the modification described in section 702(b)(2)(C) (relating to increased benefits) shall be deemed to have been in effect with respect to the entirety of the benefit year involved.

SEC. 704. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS TITLE.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this title an amount equal to—

(1) 100 percent of any regular compensation made payable to individuals by such State by virtue of the modifications which are described in section 702(b)(2) and deemed to be in effect with respect to such State pursuant to section 702(b)(1)(A);

(2) 100 percent of any regular compensation—

(A) which is paid to individuals by such State by reason of the fact that its State law contains provisions comparable to the modifications described in subparagraphs (A) and (B) of section 702(b)(2); but only

(B) to the extent that those amounts would, if such amounts were instead payable by virtue of the State law's being deemed to be so modified pursuant to section 702(b)(1)(A), have been reimbursable under paragraph (1); and

(3) 100 percent of the temporary supplemental unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES, ETC.—There is hereby appropriated out of the employment security administration account of the Unemployment Trust Fund (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) $500,000,000 to reimburse States for the costs of the administration of agreements under this title (including any improvements in technology in connection therewith) and to provide reemployment services to unemployment compensation claimants in States having agreements under this title. Each State's share of the amount appropriated by the preceding sentence shall be determined by the Secretary according to the factors described in section 302(a) of the Social Security Act (42 U.S.C. 501(a)) and certified by the Secretary to the Secretary of the Treasury.

SEC. 705. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 704(a)) to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 704(a) which are payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 706. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any regular compensation or temporary supplemental unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for any further benefits under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any regular compensation or temporary supplemental unemployment compensation under this title to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary supplemental unemployment compensation payable to such individual

under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the regular compensation or temporary supplemental unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 707. DEFINITIONS.

For purposes of this title:

(1) IN GENERAL.—The terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, subject to paragraph (2).

(2) STATE LAW AND REGULAR COMPENSATION.—In the case of a State entering into an agreement under this title—

(A) ''State law'' shall be considered to refer to the State law of such State, applied in conformance with the modifications described in section 702(b)(2), subject to section 702(c); and

(B) ''regular compensation'' shall be considered to refer to such compensation, determined under its State law (applied in the manner described in subparagraph (A));

except as otherwise provided or where the context clearly indicates otherwise.

SEC. 708. APPLICABILITY.

(a) IN GENERAL.—An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 1, 2003.

(b) SPECIFIC RULES.—

(1) IN GENERAL.—Under such an agreement, the following rules shall apply:

(A) ALTERNATIVE BASE PERIODS.—The modification described in section 702(b)(2)(A) (relating to alternative base periods) shall not apply except in the case of initial claims filed on or after the first day of the week that includes September 11, 2001.

(B) PART-TIME EMPLOYMENT AND INCREASED BENEFITS.—The modifications described in subparagraphs (B) and (C) of section 702(b)(2) (relating to part-time employment and increased benefits, respectively) shall apply to weeks of unemployment described in subsection (a), regardless of the date on which an individual's initial claim for benefits is filed.

(C) ELIGIBILITY FOR TSUC.—The payments described in section 702(b)(1)(B) (relating to temporary supplemental unemployment compensation) shall not apply except in the case of individuals exhausting their rights to regular compensation (as described in clause (i) of such section) on or after the first day of the week that includes September 11, 2001.

(2) REAPPLICATION PROCESS.—

(A) ALTERNATIVE BASE PERIODS.—In the case of an individual who filed an initial claim for regular compensation on or after the first day of the week that includes September 11, 2001, and before the date that the State entered into an agreement under subsection (a)(1) that was denied as a result of the application of the base period that applied under the State law prior to the date on which the State entered into the such agreement, such individual—

(i) may refile a claim for regular compensation based on the modification described in section 702(b)(2)(A) (relating to alternative base periods) on or after the date on which the State enters into such agreement and before the date on which such agreement terminates; and

(ii) if eligible, shall be entitled to such compensation only for weeks of unemployment described in subsection (a) beginning on or after the date on which the individual files such claim.

(B) PART-TIME EMPLOYMENT.—In the case of an individual who before the date that the State entered into an agreement under subsection (a)(1) was denied regular compensation under the State law's provisions relating to availability for work, active search for work, or refusal to accept work, solely by virtue of the fact that such individual is seeking, or available for, only part-time (and not full-time) work, such individual—

(i) may refile a claim for regular compensation based on the modification described in section 702(b)(2)(B) (relating to part-time employment) on or after the date on which the State enters into the agreement under subsection (a)(1) and before the date on which such agreement terminates; and

(ii) if eligible, shall be entitled to such compensation only for weeks of unemployment described in subsection (a) beginning on or after the date on which the individual files such claim.

(3) NO RETROACTIVE PAYMENTS FOR WEEKS PRIOR TO AGREEMENT.—No amounts shall be payable to an individual under an agreement entered into under this title for any week of unemployment prior to the week beginning after the date on which such agreement is entered into.

TITLE VIII—EMERGENCY AGRICULTURE ASSISTANCE

Subtitle A—Crop Loss Assistance

SEC. 801. CROP LOSS ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the ''Secretary'') shall use $1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying losses for the 2001 crop.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105–277; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 802. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105–277; 114 Stat. 1549A–51).

SEC. 803. COMMODITY PURCHASES.

(a) IN GENERAL.—The Secretary shall use $220,000,000 of funds of the Commodity Credit Corporation to purchase agricultural commodities, especially agricultural commodities that have experienced low prices during the 2001 crop year, as determined by the Secretary.

(b) GEOGRAPHIC DIVERSITY.—The Secretary is encouraged to purchase agricultural commodities under this section in a manner that reflects the geographic diversity of agricultural production in the United States, particularly agricultural production in the Northeast and Mid-Atlantic States.

(c) OTHER PURCHASES.—The Secretary shall ensure that purchases of agricultural commodities under this section are in addition to purchases by the Secretary under any other law.

(d) TRANSPORTATION AND DISTRIBUTION COSTS.—The Secretary may use not more than $20,000,000 of the funds made available under subsection (a) to provide assistance to States to cover costs incurred by the States in transporting and distributing agricultural commodities purchased under this section.

(e) PURCHASES FOR SCHOOL NUTRITION PROGRAMS.—The Secretary shall use not less than $55,000,000 of the funds made available under subsection (a) to purchase agricultural commodities of the type distributed under section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) for distribution to schools and service institutions in accordance with section 6(a) of that Act.

Subtitle B—Rural Development

SEC. 811. RURAL COMMUNITY FACILITIES AND UTILITIES.

(a) FUNDING.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture—

(A) $130,100,000 for the cost of water or waste disposal direct loans under section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1));

(B) $1,074,798,000 for water or waste disposal grants under section 306(a)(2) of that Act;

(C) $8,362,000 for the cost of community facility direct loans under section 306(a)(1) of that Act; and

(D) $60,000,000 for community facility grants under paragraph (19), (20), or (21) of section 306(a)(1) of that Act.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use in accordance with paragraph (1) the funds transferred under paragraph (1), without further appropriation.

(3) AVAILABILITY OF FUNDS.—Funds transferred under paragraph (1) shall remain available until expended.

(4) APPLICABILITY OF OTHER LAWS.—For the purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.), this section shall be treated as if enacted in an Act of appropriation.

(5) APPROPRIATED AMOUNTS.—Funds made available under this subsection shall be available to the Secretary—

(A) to provide funds for pending applications for loans, loan guarantees, and grants described in paragraph (1); and

(B) only to the extent that funds for the loans, loan guarantees, and grants appropriated in the annual appropriations Act for fiscal year 2002 have been exhausted.

(b) COMMUNITY FACILITY GUARANTEED LOANS.—The Secretary may guarantee an additional $128,000,000 for community facility guaranteed loans under section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)).

SEC. 812. RURAL TELECOMMUNICATIONS LOANS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to make insured cost of money rural telecommunications loans under sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935, 936) $40,000,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

(c) APPLICABILITY OF OTHER LAWS.—For the purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.), this section shall be treated as if enacted in an Act of appropriation.

SEC. 813. TELEMEDICINE AND DISTANCE LEARNING SERVICES.

(a) IN GENERAL.—The Secretary may make additional loans and grants for the broadband pilot program and for telemedicine and distance learning services under chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.).

(b) AMOUNT OF LOANS.—The Secretary shall make loans under this section in an amount not to exceed $400,000,000.

(c) FUNDING.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture for the cost of loans and grants under this section $5,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(3) APPLICABILITY OF OTHER LAWS.—For the purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.), this subsection shall be treated as if enacted in an Act of appropriation.

SEC. 814. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

In addition to funds otherwise available, the Secretary shall use $1,400,000,000 of funds of the Commodity Credit Corporation to carry out the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), including technical assistance under the program.

SEC. 815. FARMLAND PROTECTION PROGRAM.

In addition to funds otherwise available, the Secretary shall use $150,000,000 of funds of the Commodity Credit Corporation to carry out the farmland protection program established under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note; Public Law 104–127).

Subtitle C—Administration

SEC. 821. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out subtitle A.

SEC. 822. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this title $104,500,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 823. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this subtitle 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'').

(c) 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.

TITLE IX—ADDITIONAL PROVISIONS

SEC. 901. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart H—Nonrefundable Credit for Holders of Qualified Amtrak Bonds

''Sec. 54. Credit to holders of qualified Amtrak bonds.

"SEC. 54. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified Amtrak bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified Amtrak bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified Amtrak bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(e) QUALIFIED AMTRAK BOND.—For purposes of this part, the term 'qualified Amtrak bond' means any bond issued as part of an issue if—

''(1) 95 percent or more of the proceeds from the sale of such issue are to be used for expenditures incurred after the date of the enactment of this section for any qualified project,

''(2) the bond is issued by the National Railroad Passenger Corporation, is in registered form, and meets the bond limitation requirements under subsection (f),

''(3) the issuer designates such bond for purposes of this section,

''(4) the issuer certifies that it meets the State contribution requirement of subsection (k) with respect to such project, as in effect on the date of issuance,

''(5) the issuer certifies that it has obtained the written approval of the Secretary of Transportation for such project in accordance with subsection (l),

''(6) the term of each bond which is part of such issue does not exceed 20 years,

''(7) the payment of principal with respect to such bond is the obligation of the National Railroad Passenger Corporation, and

''(8) the issue meets the requirements of subsection (g) (relating to arbitrage).

''(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a qualified Amtrak bond limitation for each calendar year. Such limitation is—

''(A) for 2002—

''(i) with respect to qualified projects described in subparagraphs (A), (B), and (C) of subsection (j)(1), $7,000,000,000, and

''(ii) with respect to the qualified project described in subsection (j)(1)(D), $2,000,000,000, and

''(B) except as provided in paragraph (4), zero thereafter.

''(2) LIMITS ON BONDS FOR NORTHEAST RAIL CORRIDOR AND INDIVIDUAL STATES.—

''(A) NORTHEAST RAIL CORRIDOR.—Not more than $2,000,000,000 of the limitation under paragraph (1) may be designated for qualified projects on the northeast rail corridor between Washington, D.C., and Boston, Massachusetts.

''(B) INDIVIDUAL STATES.—Not more than $2,000,000,000 of the limitation under paragraph (1) may be designated for any individual State. The dollar limitation under this subparagraph is

in addition to the dollar limitation for the qualified projects described in subparagraph (A).

''(3) SET ASIDE FOR BONDS FOR NON-FEDERALLY DESIGNATED HIGH-SPEED RAIL CORRIDOR PROJECTS.—Not less than 15 percent of the limitation under paragraph (1) shall be designated for qualified projects described in subsection (j)(1)(C).

''(4) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(A) the qualified Amtrak limitation amount, exceeds

''(B) the amount of bonds issued during such year which are designated under subsection (e)(3),

the qualified Amtrak limitation amount for the following calendar year shall be increased by the amount of such excess.

Any carryforward of a qualified Amtrak limitation amount may be carried only to calendar year 2003 or 2004.

''(g) SPECIAL RULES RELATING TO ARBITRAGE.—

''(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the issuer reasonably expects—

''(A) to spend at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on such date,

''(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 6-month period beginning on such date, and

''(C) to proceed with due diligence to complete such projects and to spend the proceeds from the sale of the issue.

''(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 3-YEAR DETERMINATION.—If at least 95 percent of the proceeds from the sale of the issue is not expended for 1 or more qualified projects within the 3-year period beginning on the date of issuance, but the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if either—

''(A) the issuer uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of such 3-year period, or

''(B) the following requirements are met:

''(i) The issuer spends at least 75 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on the date of issuance.

''(ii) Either—

''(I) the issuer spends at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 4-year period beginning on the date of issuance, or

''(II) the issuer pays to the Federal Government any earnings on the proceeds from the sale of the issue that accrue after the end of the 3-year period beginning on the date of issuance and uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of the 4-year period beginning on the date of issuance.

''(h) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

''(1) IN GENERAL.—If any bond which when issued purported to be a qualified Amtrak bond ceases to be such a qualified bond, the issuer shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

''(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

''(2) FAILURE TO PAY.—If the issuer fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

''(3) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

''(i) the amount of any credit allowable under this part, or

''(ii) the amount of the tax imposed by section 55.

''(i) TRUST ACCOUNT.—

''(1) IN GENERAL.—The following amounts shall be held in a trust account by a trustee independent of the National Railroad Passenger Corporation:

''(A) The proceeds from the sale of all bonds designated for purposes of this section.

''(B) The amount of any matching contributions with respect to such bonds.

''(C) The investment earnings on proceeds from the sale of such bonds.

''(D) Any earnings on any amounts described in subparagraph (A), (B), or (C).

''(2) USE OF FUNDS.—Amounts in the trust account may be used only to pay costs of qualified projects and redeem qualified Amtrak bonds, except that amounts withdrawn from the trust account to pay costs of qualified projects may not exceed the aggregate proceeds from the sale of all qualified Amtrak bonds issued under this section.

''(3) USE OF REMAINING FUNDS IN TRUST ACCOUNT.—Upon the redemption of all qualified Amtrak bonds issued under this section, any remaining amounts in the trust account described in paragraph (1) shall be available to the issuer for any qualified project.

''(j) QUALIFIED PROJECT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified project' means—

''(A) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements (including the introduction of new high-speed technologies such as magnetic levitation systems), including track or signal improvements or the elimination of grade crossings, for the northeast rail corridor between Washington, D.C., and Boston, Massachusetts,

''(B) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements (including the introduction of new high-speed technologies such as magnetic levitation systems), including development of intermodal facilities, track or signal improvements, or the elimination of grade crossings, for the improvement of train speeds or safety (or both) on the high-speed rail corridors designated under section 104(d)(2) of title 23, United States Code, as in effect on the date of the enactment of this section,

''(C) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements, including station rehabilitation or construction, development of intermodal facilities, track or signal improvements, or the elimination of grade crossings, for the improvement of train speeds or safety (or both) for other intercity passenger rail corridors and for the Alaska Railroad, and

''(D) construction, installation of facilities, performance of railroad force account work, and environmental impact studies that facilitate and maximize intercity and regional rail system capacity and connectivity intended to benefit all users, including the National Passenger Rail Corporation, related to the construction of the Trans Hudson Tunnel, an additional railroad passenger tunnel connecting Newark, New Jersey to the City of New York, New York.

''(2) REFINANCING RULES.—For purposes of paragraph (1), a refinancing shall constitute a qualified project only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by the issuer—

''(A) after the date of the enactment of this section,

''(B) for a term of not more than 3 years,

''(C) to finance or acquire capital improvements described in paragraph (1), and

''(D) in anticipation of being refinanced with proceeds of a qualified Amtrak bond.

''(k) STATE CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (e)(4), the State contribution requirement of this subsection is met with respect to any qualified project if the National Railroad Passenger Corporation has received from 1 or more States, not later than the date of issuance of the bond, matching contributions of not less than 20 percent of the cost of the qualified project.

''(2) NO STATE CONTRIBUTION REQUIREMENT FOR CERTAIN QUALIFIED PROJECTS.—The State contribution requirement of this subsection is zero with respect to any project described in subsection (j)(1)(C) for the Alaska Railroad.

''(3) STATE MATCHING CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State matching contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

''(l) DEPARTMENT OF TRANSPORTATION APPROVAL FOR QUALIFIED PROJECTS.—

''(1) IN GENERAL.—The written approval of a qualified project by the Secretary of Transportation required for purposes of subsection (e)(5) shall include—

''(A) the finding by the Inspector General of the Department of Transportation described in paragraph (2),

''(B) the certification by the Secretary of Transportation described in paragraph (3), and

''(C) the agreement by the National Railroad Passenger Corporation described in paragraph (4).

''(2) FINDING BY INSPECTOR GENERAL.—For purposes of paragraph (1), the finding described in this paragraph is a finding by the Inspector General of the Department of Transportation that there is a reasonable likelihood that the proposed project will result in a positive financial contribution to the National Railroad Passenger Corporation and that the investment evaluation process includes consideration of a return on investment, leveraging of funds (including State capital and operating contributions), cost effectiveness, safety improvement, mobility improvement, and feasibility.

''(3) CERTIFICATION.—For purposes of paragraph (1), the certification described in this paragraph is a certification by the Secretary of Transportation that the issuer of the qualified Amtrak bond—

''(A) except with respect to projects described in subsection (j)(1)(C), has entered into a written agreement with the owners of rail properties which are to be improved by the project to be funded by the qualified Amtrak bond, as to the scope and estimated cost of such project and the impact on rail freight capacity, and

''(B) has met the State contribution requirements described in subsection (k).

The National Railroad Passenger Corporation shall not exercise its rights under section 24308(a)(2) of title 49, United States Code, to resolve disputes with respect to a project to be funded by a qualified Amtrak bond, or with respect to the cost of such a project, unless the project is intended to result in railroad speeds of 79 miles per hour or less.

''(4) AGREEMENT BY AMTRAK TO ISSUE ADDITIONAL BONDS FOR PROJECTS OF OTHER CARRIERS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the agreement described in this paragraph is an agreement by the National Railroad Passenger Corporation with the Secretary of Transportation to issue bonds which meet the requirements of this section for use in financing projects described in subparagraph (B).

''(B) PROJECTS COVERED.—For purposes of subparagraph (A), the projects described in this subparagraph are any project described in subsection (j)(1)(B) or (j)(1)(C) for an intercity rail passenger carrier other than the National Railroad Passenger Corporation or for the Alaska Railroad.

''(C) RESPONSIBILITY OF INTERCITY RAIL PASSENGER CARRIER.—Any project financed by bonds referred to in subparagraph (A) shall be carried out by the intercity rail passenger carrier other than the National Railroad Passenger Corporation, through a contract entered into by the National Railroad Passenger Corporation with such carrier.

''(D) INTERCITY RAIL PASSENGER CARRIER DEFINED.—For purposes of this paragraph, the term 'intercity rail passenger carrier' means any rail carrier (as defined in section 24102(7) of such title 49, as in effect on the date of the enactment of this section) which is part of the interstate system of rail transportation and which provides intercity rail passenger transportation (as defined in section 24102(5) of such title 49 (as so in effect)).

''(5) ADDITIONAL SELECTION CRITERIA.—In determining projects to be approved under this subsection (other than projects for the Alaska Railroad), or to be included in an agreement under paragraph (4), the Secretary of Transportation—

''(A) shall base such approval on—

''(i) the results of alternatives analysis and preliminary engineering, and

''(ii) a comprehensive review of mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies, and

''(B) shall give preference to—

''(i) projects supported by evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension,

''(ii) projects expected to have a significant impact on air traffic congestion,

''(iii) projects expected to also improve commuter rail operations,

''(iv) projects that anticipate fares designed to recover costs and generate a return on investment, and

''(v) projects that promote regional balance in infrastructure investment and the national interest in ensuring the development of a nationwide high-speed rail transportation network.

''(m) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) TREATMENT OF CHANGES IN USE.—For purposes of subsection (e)(1), the proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent that the issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall specify remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified Amtrak bond.

''(3) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(4) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified Amtrak bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(5) REPORTING.—Issuers of qualified Amtrak bonds shall submit reports similar to the reports required under section 149(e).''.

(b) AMENDMENTS TO OTHER CODE SECTIONS.—

(1) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(8) REPORTING OF CREDIT ON QUALIFIED AMTRAK BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(2) TREATMENT FOR ESTIMATED TAX PURPOSES.—

(A) INDIVIDUAL.—Section 6654 (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULE FOR HOLDERS OF QUALIFIED AMTRAK BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a qualified Amtrak bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(B) CORPORATE.—Section 6655 (relating to failure by corporation to pay estimated income tax) is amended by adding at the end of subsection (g) the following new paragraph:

''(5) SPECIAL RULE FOR HOLDERS OF QUALIFIED AMTRAK BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a qualified Amtrak bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(3) EXCLUSION FROM GROSS INCOME OF CONTRIBUTIONS BY AMTRAK TO OTHER RAIL CARRIERS.—

(A) IN GENERAL.—Section 118 (relating to contributions to the capital of a corporation) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

''(d) SPECIAL RULE FOR CONTRIBUTIONS BY AMTRAK TO OTHER RAIL CARRIERS.—For purposes of this section, the term 'contribution to the capital of the taxpayer' includes any contribution by the National Railroad Passenger Corporation of personal or real property funded by the proceeds of qualified Amtrak bonds under section 54.''.

(B) CONFORMING AMENDMENT.—Subsection (b) of such section 118 is amended by striking ''subsection (c)'' and inserting ''subsections (c) and (d)''.

(4) PROTECTION OF HIGHWAY TRUST FUND.—Section 9503 (relating to Highway Trust Fund) is amended by adding at the end the following new subsection:

''(g) SPECIAL RULES RELATING TO NATIONAL RAILROAD PASSENGER CORPORATION.—

''(1) IN GENERAL.—Except as provided in subsection (c), as in effect on the date of the enactment of this subsection, amounts in the Highway Trust Fund may not be used, either directly or indirectly through a State or local transit authority, to provide funds to the National Railroad Passenger Corporation for any purpose, including issuance of any qualified Amtrak bond pursuant to section 54. The preceding sentence may not be waived by any provision of law which is not contained or referenced in this title, whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of such sentence.

''(2) CERTIFICATION BY THE SECRETARY.—The issuance of any qualified Amtrak bonds by the National Railroad Passenger Corporation pursuant to section 54 is conditioned on certification by the Secretary, after consultation with the Secretary of Transportation, within 30 days of a request by the issuer, that with respect to funds of the Highway Trust Fund described under paragraph (1), the issuer either—

''(A) has not received such funds during calendar years commencing with 2002 and ending before the calendar year the bonds are issued, or

''(B) has repaid to the Highway Trust Fund any such funds which were received during such calendar years.

''(3) NO RETROACTIVE EFFECT.—Nothing in this subsection shall adversely affect the entitlement of the holders of qualified Amtrak bonds to the tax credit allowed pursuant to section 54 or to repayment of principal upon maturity.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Subpart H. Nonrefundable Credit for Holders of Qualified Amtrak Bonds.''.

(2) Section 6401(b)(1) is amended by striking ''and G'' and inserting ''G, and H''.

(d) ANNUAL REPORT BY TREASURY ON AMTRAK TRUST ACCOUNT.—The Secretary of the Treasury shall annually report to Congress as to whether the amount deposited in the trust account established by the National Railroad Passenger Corporation under section 54(i) of the Internal Revenue Code of 1986, as added by this section, is sufficient to fully repay at maturity the principal of any outstanding qualified Amtrak bonds issued pursuant to section 54 of such Code (as so added), together with amounts expected to be deposited into such account, as certified by the National Railroad Passenger Corporation in accordance with procedures prescribed by the Secretary of the Treasury.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

(f) MULTI-YEAR CAPITAL SPENDING PLAN AND OVERSIGHT.—

(1) AMTRAK CAPITAL SPENDING PLAN.—

(A) IN GENERAL.—The National Railroad Passenger Corporation shall annually submit to the President and Congress a multi-year capital spending plan, as approved by the Board of Directors of the Corporation.

(B) CONTENTS OF PLAN.—Such plan shall identify the capital investment needs of the Corporation over a period of not less than 5 years and the funding sources available to finance such needs and shall prioritize such needs according to corporate goals and strategies.

(C) INITIAL SUBMISSION DATE.—The first plan shall be submitted before the issuance of any qualified Amtrak bonds by the National Railroad Passenger Corporation pursuant to section 54 of the Internal Revenue Code of 1986 (as added by this section).

(2) OVERSIGHT OF AMTRAK TRUST ACCOUNT AND QUALIFIED PROJECTS.—

(A) TRUST ACCOUNT OVERSIGHT.—The Secretary of the Treasury shall annually report to Congress as to whether the amount deposited in the trust account established by the National Railroad Passenger Corporation under section 54(i) of such Code (as so added) is sufficient to fully repay at maturity the principal of any outstanding qualified Amtrak bonds issued pursuant to section 54 of such Code (as so added), together with amounts expected to be deposited into such account, as certified by the National Railroad Passenger Corporation in accordance with procedures prescribed by the Secretary of the Treasury.

(B) PROJECT OVERSIGHT.—The National Railroad Passenger Corporation shall contract for an annual independent assessment of the costs and benefits of the qualified projects financed by such qualified Amtrak bonds, including an assessment of the investment evaluation process of the Corporation. The annual assessment shall be included in the plan submitted under paragraph (1).

SEC. 902. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

"SEC. 48A. BROADBAND CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

''(1) the current generation broadband credit, plus

''(2) the next generation broadband credit.

''(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

''(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

''(A) current generation broadband services are provided through such equipment to qualified subscribers, or

''(B) next generation broadband services are provided through such equipment to qualified subscribers.

''(2) LIMITATION.—

''(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

''(i) the original use of which commences with the taxpayer, and

''(ii) which is placed in service,

after December 31, 2001.

''(B) LEASED EQUIPMENT.—Except as provided in regulations, rules similar to the rules of section 203(b)(3) of the Tax Reform Act of 1986 shall apply.

''(d) SPECIAL ALLOCATION RULES.—

''(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

''(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of—

''(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

''(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

''(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

''(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

''(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

''(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

''(6) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

''(7) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means a person who purchases broadband services which are delivered to the permanent place of business of such person.

''(8) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

''(9) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

''(10) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

''(11) PROVIDER.—The term 'provider' means, with respect to any qualified equipment—

''(A) a cable operator,

''(B) a commercial mobile service carrier,

''(C) an open video system operator,

''(D) a satellite carrier,

''(E) a telecommunications carrier, or

''(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

''(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to a subscriber if—

''(A) a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

''(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such subscribers without making more than an insignificant investment with respect to any such subscriber,

''(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

''(D) such services have been purchased by one or more such subscribers, and

''(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

''(13) QUALIFIED EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified equipment' means equipment which provides current generation broadband services or next generation broadband services—

''(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

''(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

''(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

''(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

''(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

''(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

''(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

''(14) QUALIFIED EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified expenditure' means any amount—

''(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

''(ii) incurred after December 31, 2001, and before January 1, 2003.

''(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

''(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

''(A) with respect to the provision of current generation broadband services—

''(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

''(ii) a residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

''(B) with respect to the provision of next generation broadband services—

''(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

''(ii) a residential subscriber.

''(16) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means an individual who purchases broadband services which are delivered to such individual's dwelling.

''(17) RURAL AREA.—The term 'rural area' means any census tract which—

''(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

''(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

''(18) RURAL SUBSCRIBER.—The term 'rural subscriber' means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

''(19) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

''(20) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

''(A) current generation broadband services have been provided by one or more providers to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

''(B) such services can be utilized—

''(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(21) SUBSCRIBER.—The term 'subscriber' means a person who purchases current generation broadband services or next generation broadband services.

''(22) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

''(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

''(B) does not include a commercial mobile service carrier.

''(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

''(24) UNDERSERVED AREA.—The term 'underserved area' means any census tract which is located in—

''(A) an empowerment zone or enterprise community designated under section 1391,

''(B) the District of Columbia Enterprise Zone established under section 1400,

''(C) a renewal community designated under section 1400E, or

''(D) a low-income community designated under section 45D.

''(25) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

''(f) DESIGNATION OF CENSUS TRACTS.—The Secretary shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (17), (20), and (24) of subsection (e). In making such designations, the Secretary shall consult with such other departments and agencies as the Secretary determines appropriate.''.

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following:

''(4) the broadband credit.''

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following:

''(v) from the sale of property subject to a lease described in section 48A(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48A for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.''.

(d) CONFORMING AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following:

''Sec. 48A. Broadband credit.''.

(e) REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48A of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband credit under section 48A of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48A of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48A of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48A of such Code.

Until the Secretary prescribes such regulations, taxpayers may base such determinations on any reasonable method that is consistent with the purposes of section 48A of such Code.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2001, and before January 1, 2003.

SEC. 903. CITRUS TREE CANKER RELIEF.

(a) EXPANSION OF PERIOD WITHIN WHICH CONVERTED CITRUS TREE PROPERTY MUST BE REPLACED.—

(1) IN GENERAL.—Section 1033 (relating to period within which property must be replaced) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) COMMERCIAL TREES DESTROYED BECAUSE OF CITRUS TREE CANKER.—In the case of commercial citrus trees which are compulsorily or involuntarily converted under a public order as a result of the citrus tree canker, clause (i) of subsection (a)(2)(B) shall be applied as if such clause reads: '4 years after the close of the taxable year in which a State or Federal plant health authority determines that the land on which such trees grew is free from the bacteria that causes citrus tree canker'.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to taxable years

beginning before, on, or after the date of the enactment of this Act.

(b) 10-YEAR RATABLE INCOME INCLUSION FOR CITRUS CANKER TREE PAYMENTS.—

(1) IN GENERAL.—Part I of subchapter Q of chapter 1 (relating to income averaging) is amended by inserting after section 1301 the following new section:

"SEC. 1302. 10-YEAR RATABLE INCOME INCLUSION FOR CITRUS CANKER TREE PAYMENTS.

''(a) IN GENERAL.—At the election of the taxpayer, any amount taken into account as income or gain by reason of receiving a citrus canker tree payment shall be included in the income of the taxpayer ratably over the 10–year period beginning with the taxable year in which the payment is received or accrued by the taxpayer. Any election under the preceding sentence shall be irrevocable.

''(b) CITRUS CANKER TREE PAYMENT.—For purposes of subsection (a), the term 'citrus canker tree payment' means a payment made to an owner of a commercial citrus grove to recover income that was lost as a result of the removal of commercial citrus trees to control canker under the amendments to the citrus canker regulations (7 C.F.R. 301) made by the final rule published in the Federal Register by the Secretary of Agriculture on June 18, 2001 (66 Fed. Reg. 32713, Docket No. 00-37-4).''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter Q of chapter 1 is amended by inserting after the item relating to section 1301 the following new item:

''Sec. 1302. 10-year ratable income inclusion for citrus canker tree payments.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made before, on, or after the date of the enactment of this Act.

SEC. 904. ALLOWANCE OF ELECTRONIC 1099S.

Except as otherwise provided by the Secretary of the Treasury, any person required to furnish a statement under any section of subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 for any taxable year ending after the date of the enactment of this Act and before January 1, 2003, may electronically furnish such statement to any recipient who has consented to the electronic provision of the statement in a manner similar to the one permitted under regulations issued under section 6051 of such Code or in such other manner as provided by the Secretary.

SEC. 905. CLARIFICATION OF EXCISE TAX EXEMPTIONS FOR AGRICULTURAL AERIAL APPLICATORS.

(a) NO WAIVER BY FARM OWNER, TENANT, OR OPERATOR NECESSARY.—Subparagraph (B) of section 6420(c)(4) (relating to certain farming use other than by owner, etc.) is amended to read as follows:

''(B) if the person so using the gasoline is an aerial or other applicator of fertilizers or other substances and is the ultimate purchaser of the gasoline, then subparagraph (A) of this paragraph shall not apply and the aerial or other applicator shall be treated as having used such gasoline on a farm for farming purposes.''.

(b) EXEMPTION INCLUDES FUEL USED BETWEEN AIRFIELD AND FARM.—Section 6420(c)(4), as amended by subsection (a), is amended by adding at the end the following new flush sentence:

''For purposes of this paragraph, in the case of an aerial applicator, gasoline shall be treated as used on a farm for farming purposes if the gasoline is used for the direct flight between the airfield and 1 or more farms.''.

(c) EXEMPTION FROM TAX ON AIR TRANSPORTATION OF PERSONS FOR FORESTRY PURPOSES EXTENDED TO FIXED-WING AIRCRAFT.—Subsection (f) of section 4261 (relating to tax on air transportation of persons) is amended to read as follows:

''(f) EXEMPTION FOR CERTAIN USES.—No tax shall be imposed under subsection (a) or (b) on air transportation—

''(1) by helicopter for the purpose of transporting individuals, equipment, or supplies in the exploration for, or the development or removal of, hard minerals, oil, or gas, or

''(2) by helicopter or by fixed-wing aircraft for the purpose of the planting, cultivation, cutting, or transportation of, or caring for, trees (including logging operations),

but only if the helicopter or fixed-wing aircraft does not take off from, or land at, a facility eligible for assistance under the Airport and Airway Development Act of 1970, or otherwise use services provided pursuant to section 44509 or 44913(b) or subchapter I of chapter 471 of title 49, United States Code, during such use. In the case of helicopter transportation described in paragraph (1), this subsection shall be applied by treating each flight segment as a distinct flight.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel use or air transportation after December 31, 2001, and before January 1, 2003.

SEC. 906. RECOVERY PERIOD FOR CERTAIN WIRELESS TELECOMMUNICATIONS EQUIPMENT.

(a) 5-YEAR RECOVERY PERIOD FOR CERTAIN WIRELESS TELECOMMUNICATIONS EQUIPMENT.—

(1) IN GENERAL.—Subparagraph (A) of section 168(i)(2) (defining qualified technological equipment) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following:

''(iv) any wireless telecommunication equipment.''.

(2) DEFINITION OF WIRELESS TELECOMMUNICATION EQUIPMENT.—Paragraph (2) of section 168(i) is amended by adding at the end the following:

''(D) WIRELESS TELECOMMUNICATION EQUIPMENT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'wireless telecommunication equipment' means equipment which is—

''(I) used in the transmission, reception, coordination, or switching of wireless telecommunications service, and

''(II) placed in service before September 11, 2002.

For purposes of this clause, the term 'wireless telecommunications service' includes any commercial mobile radio service as defined in title 47 of the Code of Federal Regulations.

''(ii) EXCEPTION.—The term 'wireless telecommunication equipment' shall not include towers, buildings, T–1 lines, or other cabling which connects cell sites to mobile switching centers.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001.

SEC. 907. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

SEC. 908. EMERGENCY DESIGNATION.

Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 the following amounts:

(1) An amount equal to the amount by which revenues are reduced by this Act below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

(2) Amounts equal to the amounts of new budget authority and outlays provided in this Act in excess of the allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Finance of the Senate for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011.

Amend the title so as to read: ''An Act to provide incentives for an economic recovery and tax relief for victims of terrorism, and for other purposes.''.

Mr. BAUCUS. Mr. President, I would like to clarify for the record and I ask unanimous consent that the previous order with respect to Executive Calendar No. 511 remain in effect.

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

Mr. BAUCUS. Therefore, the order with respect to H.R. 3090 should now reflect that the debate-only limitation will extend until 4:45 today.

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

Mr. BAUCUS. Mr. President, we are now on the Economic Recovery Act. I would like to make a few comments on it, if I might. I know I will be followed by my very good friend, a terrific Senator, Mr. GRASSLEY from Iowa.

This is a sober time. Our Nation is at war overseas and at home. Like all Americans, we are struggling to respond, to hold together, to assume our responsibilities. Among other things, we in this Chamber have the responsibility to help get the economy back on track.

The September 11 attacks took a bad economic situation—our economy was deteriorating—and made it significantly worse. I very sadly add, the tragic crash of an American Airlines plane yesterday in New York, I am sure, adds more angst and concern across our country, which has a very direct effect on people's emotions and psychology, but also, to some degree, on the economy, people's willingness to believe in the future.

We had virtually no economic growth in the second quarter of this year, and we have had negative growth in the third quarter of this year, 2001.

In addition, in October unemployment jumped from 4.9 percent to 5.4

percent. That is the largest jump since May of 1980. We also have reports of 638,000 layoffs of American workers announced since September 11.

Manufacturing has been particularly hard hit. Last month, manufacturing lost 142,000 jobs. That was just in the one month of October. That was the 15th consecutive month that manufacturing jobs dropped.

Since July of last year—a little over a year ago—manufacturing has lost an incredible 1.3 million jobs. That is over about 15, 16 months. Manufacturing employment has now fallen to its lowest levels since November 1965.

The problems are not limited to the manufacturing sector. In October, nonmanufacturing industries experienced the most dramatic slowdown in business activity since a report by the National Association of Purchasing Managers began in 1997.

Agricultural producers are hurting, too. Net farm business income was at a 10-year low in 1999 and 2000. Still, unless Government assistance is continued, net farm income in 2001 is actually projected to be lower than farm income in 1999 and 2000. The most acute problems are faced by farmers whose farms have been hit by floods, drought, tornadoes, and other national disasters.

Finally, the economies of New York and the surrounding regions have taken an unimaginably severe blow from the events of September 11. It is not just the economy of the New York region that has taken a hit. It is our highly interdependent economy all across our entire country that has suffered as a consequence of the Twin Towers and the Pentagon tragedies as well as the other events that have occurred.

So what can we do? How do we help Americans regain confidence in the future so people want to, for example, buy refrigerators and cars, take family vacations, and have a really good, confident feeling about the future? How do we help businesses believe in the future, invest in new products, design new products and ways of doing things? It is a psychology that really comes down to confidence. How do we help engender the confidence we all desire?

First, there is something—the fancy term is ''monetary policy.'' That is essentially the Federal Reserve System essentially raising or lowering interest rates to help make borrowing more expensive or less expensive. Basically, I think the Federal Reserve has done a pretty good job.

Last week, the Federal Reserve Board cut short-term interest rates for the 10th time this year—that is a lot of cuts over 1 year—clearly, trying to help make borrowing less expensive, people more inclined to borrow and to spend more, putting more money into the economy. My guess is, more rate cuts will follow.

But monetary policy alone does not appear to be enough. We also have to pass legislation to stimulate the economy through what is called fiscal policy. Just as a reminder, fiscal policy is when Congress basically either raises taxes or lowers taxes—spends money or does not spend as much—with an economic effect on the economy. To stimulate the economy through traditional garden variety fiscal policy, Congress spends money.

Now, there are a couple of ways to spend money. One is through cutting taxes; that is, in effect, spending money. The other is direct expenditures by the Congress. We are trying to figure out how to stimulate the economy by spending money.

Now, there is no magic, clearly—no magic, no recipe that will send us going back to double-digit growth. Nevertheless, I think there are some simple guidelines that we in Congress can follow to help regain that confidence. Most significantly, the bipartisan leaders of the House and Senate Budget Committees provided us about a month ago with some very important guidelines. This is very important. The leadership of the Budget Committee—Republicans and Democrats, both House and Senate—all got together. That is remarkable. A lot of times around here we are not always on the same page. But all four of them got together because they were thinking of the longer term, about our national budget. They agreed upon a certain set of guidelines they thought were appropriate in an economic stimulus, economic recovery, a package that we might pass.

Let me try to put in my own words what they said. They first said the economic recovery stimulus bill should be temporary—that is, something that is a direct, essentially a 1-year stimulus, upfront now, to help get the economy going. In one respect, I think it is because we have some sense of what the economy is going to be like next year. We don't have much of a sense of 2, 3, 4, 5 years down the road. We need to do what we can to stimulate the economy now and take stock a year from now to see where we are. They also said they should not spend too much over the long run. That is part and parcel with the upfront.

We are very nervous in Congress about longer run, about runups in the Federal budget which tend to cause moderate and long-term interest rates to rise. Why? Because bond traders are thinking, gee, if Congress is spending all this money in the longer term, probably there will be competition for capital, and inflation is going to go up a bit, probably, with all that spending, and the price of bonds goes down as long-term rates stay up. They don't come down like we want them to. They will come down if we say we are going to be responsible and we are not going to spend a lot of money in the outyears. That is very important.

The Budget Committee chairmen—all 4—also said we should get the money into the hands of those who will spend it quickly; that is, they are talking more about a consumer-led stimulus. Get people spending money. Then businesses are going to want to invest, start manufacturing products and selling products to the people who are buying. They said—the budgeteers—consumers who will spend money then help stimulate business. They also said we should spend money on businesses who will spend it on capital equipment. That should be stimulative as well.

One more point: In addition to providing an economic stimulus in this legislation, we also have to lend a hand to the Americans who are really suffering. It is one thing to help put money in the economy; it is also as important—if not more important—to help the Americans who are really suffering and living paycheck to paycheck and trying to make ends meet as a consequence of the terrorist attacks, or because of the recession in which the economy is now. At a time like this, I think it is critical that they are all a part of this, and that we Americans work together to find a good solution. That is what we tried to do in this bill. That is what is contained in the bill the Finance Committee is now presenting to the Senate. I think we have done a pretty good job. The bill has six main elements, every one of which is important.

First, we provide a further tax rebate. You will recall that there are about 130 million taxpayers in our country. When the checks went out in the past summer on the tax bill this Senate passed, 79 million Americans got a full rebate. Individuals got either $300, or families got $600, and another 14 million taxpayers got a partial rebate—less than the full $300 or $600. Another 34 million American taxpayers got no rebate whatsoever; 34 million got no rebate in the last go-around, last summer. Why? The rebate then was limited to the amount that people paid in income taxes. You have to remember that a family who paid income taxes of less than $600 did not get a full rebate.

For a family of four, that would be a gross income of about $30,000. If they made less than that, they didn't get a full rebate. In many cases, they didn't get any rebate. So here is what we do in this bill. This bill provides a second round of tax rebates for people who paid payroll taxes but got only a partial rebate, or no rebate, the last time around. As a result, by the time the second round of checks go out, every one of the 130 million people who paid Federal taxes also will receive a full rebate.

To some extent, this is a matter of simple fairness. After all, some got it last time and the rest of the Americans should get it this time. It is also more

than that. The people who didn't get full rebates earlier tend to have relatively low incomes. Those who got it last time have higher incomes. The people who get it now are likely to spend a higher proportion of the new income they get because they are lower income Americans. They have to spend it, frankly, to make ends meet. That would be a direct stimulus to the economy.

Second, we establish a series of temporary tax incentives. Most significantly, we provide special tax depreciation deductions for a limited time to encourage businesses to invest in new plants and equipment. As it now stands, businesses deduct the cost of new plants and equipment over a period of years. There are various rules that apply. We add a temporary depreciation ''bonus'' of 10 percent for investments made before the end of next year.

What does that mean? That basically means, whatever your depreciation schedule is, take 10 percent and do it all the first year, expense it more quickly, move it up, which helps your bottom line. It encourages you to invest. Senator HATCH and others have suggested that we make the percentage higher than 10 percent. I am open to that. I am open to a higher percentage if it fits into the framework of our overall bill.

The accelerated depreciation deduction will have a couple effects. First, it will encourage businesses to invest sooner rather than later. That, in turn, will directly stimulate the economy. Further, to the extent some of the additional investments could be put to use right away, it will increase productivity. That is no small matter.

We also provide an even larger depreciation deduction for small businesses by increasing what is called the ''expensing'' deduction under section 179. This deduction is available only for new investments made in the next 12 months.

Finally, we allow companies a longer period to carry back net operating losses. This change is needed to make the first two investment incentives work efficiently. It also provides a modest break for companies struggling to stay on their feet.

Those are the nationwide investment incentives through tax cuts. It is one way to stimulate the economy through fiscal policy; it is tax cuts. There are lots of ways to do it and that is one way in this bill. That is very important.

The third section of the bill provides tax relief to the area in Lower Manhattan that was devastated by the terrorist attacks of September 11. Yesterday's crash has rekindled our memory of what happened on September 11—the death, the destruction, the horror, and the angst in our national psyche.

The September attacks also had a huge economic effect on New York City. It was amazing to all of us who have been to Ground Zero and have seen it. Fifteen thousand businesses were destroyed or disrupted and 125,000 workers were displaced. That is just the beginning of it. The Senators from New York and New Jersey can go on and on in much greater detail and describe the magnitude and degree of devastation that New York has suffered.

Every American wants to help, from those who live across the river in New Jersey, to those who live across the country in my State of Montana. All Americans want to help. We are all together in this.

Let me explain how we came up with the New York package. After the attacks, Senators SCHUMER and CLINTON and TORRICELLI and CORZINE, along with Governor Pataki, approached me with a series of tax proposals for New York City. We had lots of discussions. They have been wonderful in representing their people and, second, working to do what is right. We rejected several ideas, but we revised others. After a lot of give and take, we were able to agree on a package that is fair, targeted and, I think, practical.

The basic idea is pretty simple. We provide temporary tax incentives to encourage business to either stay in lower Manhattan or to relocate in New York City.

There are three main provisions. First, we expand the work opportunity tax credit which exists under current law to encourage employers to hire certain categories of individuals.

We create a new category for people who find jobs in lower Manhattan or who used to work there and relocate to another part of New York City.

Second, we allow enhanced cost recovery to encourage businesses that lost property in the attacks to relocate to New York City.

Third, we authorize the issuance of $10 billion in tax-exempt private activity bonds to rebuild the area damaged by the attacks.

As a related matter, we include an amendment offered by Senator TORRICELLI based on a bill I wrote with Senator GRASSLEY. It provides tax relief to victims of the terrorist attacks, including both attacks of September 11 and the Oklahoma City bombing a couple of years ago.

Clearly, we will be taking stock at the end of this year as to what more is needed for our country, including New York City. This is basically to stem the hemorrhage, to help people at least tread water and not sink. But we are going to be taking a look at this again, and I welcome working with all the people from New York and other parts of the country as we try to find a national economic plan for next year.

The final provision in this part of the bill allows Indian tribes to issue additional types of tax-exempt bonds to promote economic development. This provision obviously is not related to the September 11 attacks or the recession, but it will help promote economic development in a part of America—Indian country—that has been left behind for far too long.

I will now move on to the fourth section of the bill, unemployment benefits. We all understand the problem. In October, we had the biggest jump in the unemployment rate in 20 years. Work is harder to keep and even harder to find. In response, we have taken an approach that Congress has adopted many times in the past; that is, we extend unemployment benefits by 13 weeks.

We also take a few additional steps. We temporarily increase unemployment benefits by the greater of 15 percent or $25 a week. These people, because of inflation and the difficulty with making ends meet, deserve that. We make modest and temporary improvements in the operation of the unemployment insurance program. Specifically, we update the reporting period and provide better coverage for people seeking part-time work. One does not have to be a full-time worker to qualify. If you are a part-time worker, you should and do qualify.

Others argue that unemployment insurance is a poor economic stimulus. This surprising argument is contrary to the history of the program and to the overwhelming economic evidence.

Alan Krueger of Princeton University put it this way:

> Unemployment insurance is the quintessential economic stimulus: benefits ramp up temporarily in a downturn and reach those most in need.

A similar point was recently made by Joseph Stiglitz, co-winner of the 2001 Nobel Prize for Economics. He said:

> First, we should extend the duration and magnitude of the benefits we provide to our unemployed. . . . This is not only the fairest proposal, but also the most effective.

Senior economist Jane Gravelle of the nonpartisan Congressional Research Service recently said this:

> Extending unemployment compensation is, in fact, likely to be a more successful policy for stimulating aggregate demand than many other tax/transfer changes.

Remember, one of the main reasons we have an unemployment insurance program is to provide economic stimulus during times of economic downturn. That is the whole point of it. Explaining the program in 1934, President Roosevelt said that it will ''act as a stabilizing device in our economic structure and as a method of retarding the rapid downward spiral curve and the onset of severe economic crisis.''

To put it bluntly, people who have lost their jobs and are struggling to get by are likely to spend any additional money they get, providing a direct stimulus to the economy.

The next section of the bill helps people maintain health insurance coverage

for themselves and their families. As unemployment rises, the number of uninsured Americans also rise. People are laid off, and they do not have health insurance.

In the recession of the early 1990s, more than half the workers who became unemployed also became uninsured. That is an important point. More than half the workers who lost their jobs in the early 1990s also lost their health insurance. My proposal responds to this in a couple of ways.

The first way is through the so-called COBRA program. That program was enacted in 1987. It allows people to maintain their employer-provided health insurance coverage for 18 months after they leave a job as long as they pay the full premiums themselves. That is current law.

That is also the problem. Simply put, COBRA premiums—that is, paying full freight for health insurance—is very expensive. On average, the cost for individual coverage is $2,700 a year. As one is layed off, to maintain COBRA health insurance, one has to pay $2,700 for coverage, and for family coverage, turn that 2 and 7 around and it comes out to $7,200 or almost $600 a month. Not many families on unemployment benefits can afford that.

The average unemployment benefit is $231 a week. As a result, only about 18 percent of the workers who qualify to maintain their health insurance coverage under COBRA actually do so. It stands to reason. It is too expensive, so it is only 18 percent.

Here is what we do. First, we provide a 75 percent subsidy for COBRA coverage. In essence, the Federal Government would pay the portion of the premium that previously had been paid by the employer. This is for only 18 months. It is temporary.

Second, we give States funds and flexibility to pay the remaining 25 percent for people with very low incomes.

Third, we give States funds and flexibility to provide Medicaid coverage for workers who are not eligible for the COBRA program.

Fourth, we increase the matching rate for State Medicaid coverage to make it easier for States to maintain coverage at a time when State budgets are being squeezed. We have heard a lot about this. A lot of State budgets are in tough shape. Most have a constitutional requirement to balance the budget, and they are strapped. It is very difficult. I am not going to get into whether they properly cut taxes in the last 2 years when times were good, but nevertheless, we have to take things as they are, and I think the States do need some help.

Forty-nine States face balanced budget requirements and are likely to cause them to increase taxes and cut spending, even though such steps could deepen the recession. The increase in the matching rate provides fiscal relief for States at a time when it is badly needed.

All told, these provisions will maintain health insurance for millions of workers who have lost their jobs or stand to lose them in the difficult months ahead.

Like unemployment insurance, this proposal has been criticized pretty sharply. Some argue that covering health insurance costs will not provide an economic stimulus, apart from these people who are out of work and need a little help.

I grant the case is not as straightforward—strictly on the stimulus point—as it is for unemployment insurance, but still the argument for stimulus is very strong. In any event, this part of the proposal is not just designed to provide economic stimulus, it is designed to help people who have lost their jobs to the recession.

Critics also argue the proposal is an indirect way to establish a new entitlement program. We have heard that, too. Some people do not like new entitlement programs, as a matter of philosophy and ideology, never mind what the practical consequences may or may not be.

This is not a new entitlement program. We are responding to a temporary crisis with a temporary solution. The program ends after 1 year on December 31, 2002: It is over; it is the end of the line; it is done.

Finally, critics argue the program will be slow and cumbersome. Let's be candid. There are several competing proposals to provide temporary health insurance coverage. Each raises the same issues: How efficient and how quickly will the dollars be in the hands of people who need it? Whether we are talking about direct payments, COBRA tax credits—that is another idea—block grants to the States—that is the President's idea—we still have to come up with a system that works quickly and effectively. I am less hung up as to which it is. I want people who need health insurance to get health insurance benefits quickly and efficiently.

If someone can come up with a better approach that accomplishes our goal, I am more than willing to listen.

Let me now turn to a section of the bill that is extremely important: The provisions for agriculture and rural economic development.

To set the stage, let me remind colleagues once again about the state of the agricultural economy. We have had an unprecedented streak of bad weather and bad economic conditions. Farmers in parts of the South and northern-tier States have been particularly hard hit. Although some sectors and some regions have begun to recover, farmers' overall earnings from their farming operations—that is, absent Government payments—are down sharply. The current difficulties could not come at a worse time.

A downturn in farm income does not just impact farmers. It wreaks havoc in the rural communities that depend on them. Farmers in economic distress are not able to make their usual purchases of seed, fertilizer, not to mention food and clothing. This puts the agricultural sector at considerable risk.

To ensure the stimulus plan also provides benefits to agriculture-dependent economies in the South, the Midwest, the northern-tier, the bill extends three programs that have been critical to shoring up farm income in the last 3 years. Not a new program, it just extends the current program.

Some of my colleagues have attacked the agriculture section of the bill. They have poked fun at it, circulating pictures of various fruits and vegetables. The farmers and ranchers across this country may not find this all so amusing. They may wonder why the economic problems of ailing corporations demand immediate action but the economic problems of farmers and ranchers deserve only derision.

They are asking that question, and rightfully so: Why do big corporations get assistance in an economic downturn but not farmers and ranchers? Good question. We know the answer. Farmers and ranchers are part of America, too.

Let me be blunt. My constituents, including farmers and ranchers suffering through another disaster, deserve economic relief every bit as much as Americans from urban areas.

Finally, to complete my summary of the bill, we also extend various tax and trade provisions that are scheduled to expire under current law and make a handful of additional changes to the Tax Code. I believe this bill will help us achieve our objective of providing a fiscal stimulus for the economic recovery of our Nation.

It is temporary. It is carefully targeted. It will increase both business investment and consumer demand, heavier on consumer demand which is needed more in this country. Perhaps more importantly, it will extend a helping hand to the people who have lost their jobs and risk losing their health insurance.

On balance, it is a very solid bill that deserves support in this Chamber. Time is critical. I hope we can complete debate quickly. Every day counts for Americans who need assistance and are looking at us. Is the Congress going to stand up and do what it should do, so we have a chance to wrap up our differences with the House before Thanksgiving? It is important we pass this quickly.

I understand others will disagree with my description of the bill. They will say it falls short. They will argue we need more tax cuts, that we do not need to do so much for the unemployed, that there are better ways to

cover health insurance. They will question whether we should have any agriculture provisions in this bill at all.

I say let us have that debate, and let us try to resolve our differences with due respect to each Senator's point of view. Let us get to the bottom, get the facts out, learn the truth, what works, what does not work, so we can get the job done.

After all, the American people are suffering. They have been hit with shock after shock after shock. They look to us for leadership. It is time to provide it.

As the President said, quoting the heroes who jumped the hijackers over Pennsylvania, let's roll.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I welcome the opportunity to be with my friend, Chairman BAUCUS, to discuss an economic stimulative package and to declare that if he and I can work together, we are going to get such an economic stimulative package passed as we did in the case of the tax bill that was passed and signed by the President in June, the largest tax reduction in the last 20 years, a needed tax reduction because the American people are being taxed at the highest level since World War II.

About that tax bill, if we had not passed that tax bill with the rebates that went out during August and September, with the flatness of the economy, we would now be discussing what we are going to do about the flatness of the economy because we did not do something last spring. It was fortuitous we were able to pass such a tax bill, and pass it before there was a demonstrated need for it, to get the taxpayers their rebates, to help consumer demand, and to keep the economy going. We would have been considering a tax bill if we had not passed the earlier tax bill, regardless of what happened on September 11.

Obviously, we are now debating because of the terrorist attacks of September 11 and the dramatic downturn in the economy that has resulted because of that terrorist act.

I suggest as we consider this legislation and what ought to be done for economic stimulus because of the September 11 terrorist attacks and the impact that has made on the economy, that everything be directly related to that incident, and that Members of the Senate not try to get anything on the agenda that would not otherwise be legitimately there because of the September 11 happenings.

So I rise for this debate on an economic stimulative package because of the need for it as a result of what happened on September 11 and for no other reason.

Chairman BAUCUS and I shared a goal at the start of this process. We both wanted a bipartisan economic stimulative package that also addressed the needs of people who were hurt because of September 11 and helped those with unemployment benefits and health care needs for dislocated workers. I still have that as my goal.

My discussions this afternoon I want to divide into three parts: The process for this bill; the substance of the bill, looking primarily at similarities between what Democrats think need to be done and what I as a Republican leader think needs to be done—in other words, these are positions taken by our respective caucuses—and finally, how to resolve these differences and get a bipartisan bill through the Senate because I think we all know right now there are not enough votes to get a partisan package of either caucus through this body.

Chairman BAUCUS rightly insisted that the Finance Committee act on this matter. There was talk by the majority leader of skipping the committee and bringing it directly to the floor. As a ranking member of the Finance Committee, I support the chairman. He can count on my support in respecting the jurisdiction of the committee.

Unfortunately, however, in asserting our jurisdiction, we did not operate in a committee process, in a bipartisan tradition. Despite all the speeches to the contrary, the bill we have now on the Senate floor, put forth last Thursday night by the Senate Finance Committee, was designed to be partisan. Why somebody would make that judgment, I don't have the slightest idea. In all the victories I have had on the floor in this Senate in the 21 years I have been a Member, I don't think any have been a partisan victory. I have been able to work with members of the other party in order to get something done.

There is an old saying: You can get anything done if you don't care who gets credit for it.

In that respect, I think designing a partisan package was a way to bring this bill to a stone wall. My job—and I think Chairman BAUCUS shares this with me—is to break down that stone wall, get beyond that, get our people together, get the opposing sides together, and get something to the President with the idea we are here to help the economy and to not help one political party or the other.

The economic stimulus package passed out of the Senate Finance Committee embodied then the Democratic caucus position on the issues we felt ought to stimulate the economy. The bill was precooked and passed out of committee because Democrats decided to deal only with themselves. As unfortunate as that event was, obviously we are out here on the floor of the Senate. Last Thursday is history. It is all water under the bridge.

Equally unfortunate, however, the partisan acts of the Democrats in the Finance Committee have necessitated a confrontational debate from each side. By choosing a partisan strategy, the Democratic leadership has placed us in a position where, aside from the substantive issues involved, there is necessarily a partisan division. I point this out only because it is a needless barrier to my goal of a bipartisan stimulative package in the tradition of how Senator BAUCUS and I got the tax bill of last spring to the President for signature on June 7.

On the Senate floor, the majority leader does not have an unfettered right to push this bill through on a partisan basis. He has a right to try but he cannot succeed because this bill violates the restrictions of the budget resolution. It is subject to a 60-vote point of order under the rules of the Senate. So, too, if Republicans wanted to push ours, we could not get it passed. It would be subject to a 60-vote point of order. We are in a position where neither side can win.

I am frustrated and disappointed right now because there is so much common ground between us and where the Democrat bill is. I am frustrated because, regardless of this common ground, there is little will on the part of the Democratic caucus to meet our side halfway or even part of the way. That unwillingness doesn't make a lot of sense in a Senate that is divided: 50 Democrats, 49 Republicans, and one Independent.

Where is the common ground? Starting with the economic stimulus itself, basically the President of the United States and Chairman Greenspan gave us a green light to the stimulus exercise. Chairman Greenspan requested we take a hard look at proposals that were temporary, immediate, and efficient. Since his meetings with the President and with us on the Senate Finance Committee, there has also been indication that what he has done on interest rates, although he can still do more and will probably do more, is reaching the end of the road of what can be done through monetary policy, and that there needs to be a stimulative package that parallels, through Congress, what Chairman Greenspan is trying to do through the Federal Reserve System.

We have been working with Chairman Greenspan because we want these programs to complement each other. We also think Chairman Greenspan has a pretty good feel for what it takes to turn this economy around. We sought his advice in a bipartisan way. The President sought his advice. Chairman Greenspan said we needed to pay particular attention to the decline in manufacturing investment.

I have a chart that demonstrates the relationship of consumption expenditures and manufacturing expenditures. As the red line shows, we have had a steady growth in personal consumption

expenditures. We have had more ups and downs with domestic investment, mostly manufacturing investment. In the last three quarters, we have seen a very dramatic turndown in manufacturing investment. It reached a high and dropped. I am glad to hear the chairman of the committee say in his opening remarks that the 10-percent accelerated depreciation they allow in their legislation is negotiable. We think, and Chairman Greenspan thinks, about 30 percent is what it will take to stimulate the economy.

The other side speaks about consumer demand and doing something about consumer demand. The chart shows there has not been an erosion of personal consumption expenditures as there has been a dramatic erosion of manufacturing investment.

Of course, why manufacturing investment and encouragement of that? It is time tested from both Republican and Democrat Presidents, changing tax law from time to time in the last 50 years to stimulate the economy because it enhances productivity; but more importantly, the equipment bought by major corporations is made at another manufacturing place that creates jobs. It is a good way to help the economy in two ways: It creates jobs where the enhanced machinery is manufactured, and it also makes each person working where this is installed more productive, as well.

We need a balance between demand and manufacturing. If we trust Chairman Greenspan, and a lot of people in the United States have confidence in him according to the polls, we need to pay particular attention to the downturn in manufacturing investment and follow Chairman Greenspan's advice.

Now, Democrats and Republicans have agreed to pursue accelerated depreciation as a stimulus. Both caucus plans have this proposal included, but there is an ineffective 10-percent accelerated appreciation in the Democrat plan, compared to the positive 30 percent in the Republican plan. Both caucuses pursued proposals that, while not as stimulative as accelerated depreciation, would still provide much needed relief to struggling businesses.

It is another area of common ground that Democrats propose liberalizing the net operating loss carryback rules, but Republicans propose repealing the corporate alternative minimum tax. Here again, there is room for negotiation and compromise that will lead to a bipartisan agreement.

Republicans put on the table an acceleration of the income tax rate cuts put in place by the bipartisan tax relief bill I spoke of twice this afternoon that was signed by the President on June 7. That included the tax rebates, as well. The Democratic leadership objects strenuously to the proposal because, although this proposal is stimulative—I have not heard otherwise—it reopened a statute that a majority of the Democrats did not support last spring.

I recognize acceleration is not viewed as common ground, but I think it begs a question, if we are going to be intellectually honest with each other. How could the Democrats reopen the statute that the President signed June 7 by putting rebates for payroll and nontaxpayers on the table. It appears a bit inconsistent. In one place you can open the bill, but in another place you cannot open that tax bill of last spring.

To those of us on this side, then, it appears the Democratic leadership has taken the positive gesture by the President on rebates because President Bush wants to get money to lower income people to stimulate the economy. So they have taken a positive gesture by the President but have not been flexible in return.

Needless to say, by default, both sides have common ground on the next round of rebate checks. This proposal stimulates consumer demand. Former Secretary Rubin was very keen on some modest level of consumer demand stimulus. So on the investment side and the consumers demand side, both Republicans and Democrats have proposals with similar features, with the Republicans placing more emphasis on investment. But the Democratic leadership has made marginal rate cut acceleration some sort of a deal breaker.

We Republicans want to provide dislocated workers with assistance for coverage for health insurance. First off, I want to clear up some misstatements. Some have incorrectly said that Republican proposals do nothing to help cover the cost of health insurance for dislocated workers. This is baloney.

The President supported health care assistance by proposing funding for health care benefits to laid-off workers. Both the House bill and the Senate Republican caucus position embrace this idea. In negotiations, in particular, I want to say to the Presiding Officer, I was willing to go beyond the President's proposal. I offered to more than triple the amount of money. I also proposed expanding coverage of health benefits to dislocated workers who do not qualify for COBRA, such as small business workers. I then offered Democrats complete flexibility to write the criteria under which the money would be granted so they could be confident in the program doing what they want it to do. So how much more flexible can you be? But the Democratic leadership said no and rejected the offer.

So we do have a common ground on the goal of helping dislocated workers with health care benefits. Are there any differences in how we want to provide this assistance? The answer is yes. The whole point of this bill, though, is to get people health care benefits right now, not down the road. Yet the Democratic leadership proposes to create a new bureaucracy that will take many months to get up and running. The Democrats' proposal would not be able to get benefits to workers until it is too late. This is a stimulative package to help us out of the recession, not to give people help way beyond the turnaround in the economy.

The reason the Democrats' proposal would do this is because Federal law requires that when a new Federal program is established, regulations must be promulgated and the public be given notice and opportunity to comment. Clearly, these laws affecting new programs are in place for a good reason.

We can avoid this hurdle by using existing programs, especially ones that are tailor made for national emergencies. That is why the President took the approach he did through National Emergency Grant Programs. If there is not enough money there to satisfy people on the other side of the aisle, we can take care of that. But we ought to take care of it in a manner that gets the money to the people in a month, not in a year. Our goal was to use the existing National Emergency Grant Program, one that the Federal Government and States have used for years and have experience with, to ensure benefits can get to dislocated workers in the fastest way possible. No new infrastructure would be required by the Federal Government and States could quickly access much needed funds.

The bottom line is hard-working Americans who have lost their jobs as a result of the September 11 tragedy cannot wait 6, 9, or 12 months for health care insurance. They need help and need it right now. We propose to do just that. But, again, the Democrat leadership was not interested in bipartisan compromises, even when they represented common sense.

I have another problem, though, with the Democratic health package; that is, it places undue burdens on States which are already struggling to respond to adverse impacts of September 11. Requiring a new Federal infrastructure and corresponding new State infrastructures in order to access emergency funds seems to be downright unreasonable.

We should be working our hardest to get money to States immediately for them to get it to their workers who do not have health insurance. We should not penalize them by demanding that they, too, establish extensive new bureaucracies to get money to people in need.

For example, the Democrats' proposal would require many States to enact legislation in order to set up and fund new State infrastructures to certify and deliver COBRA benefits. This is obviously a nonfunded mandate. But in addition, the Democrats' proposal requires States to use their own money. This means only those States

which happen to have extra money in their Medicaid budget could help workers who are not COBRA eligible. I am not aware any State is claiming to have extra Medicaid money burning a hole in its pockets for those people. I think this is just plain wrong.

I propose to provide 100 percent Federal funding through National Emergency Grant Programs to allow States, then, to cover non-COBRA eligibles.

Once again, I asked the Democrat leadership: Why are you insisting on doing this the hard way, especially when there are much more efficient alternatives?

Now I have a few points about extended unemployment benefits to dislocated workers. We want to do more than just provide unemployment checks. First of all, let me make it very clear. Why do you have a stimulus package? It is not to give unemployment checks, even though that is what we are doing. But the idea of stimulating the economy is getting people a job. People want a job; they don't want unemployment checks. We want incentives to get workers back their paychecks.

But both sides agree that providing 13 weeks of additional benefit to workers in need is reasonable. We have done that five times in the last 30 years, I believe.

The Democratic leadership, however, wants to take finite resources and spread them thinly across every State so the needy will not get enough help. I offered to provide unemployment benefits in two ways—kind of take your choice. The first was to allow 13 weeks of benefits to be extended to those States which experienced a significant increase in unemployment. So what is a significant increase in unemployment? In that regard, I was completely flexible.

In fact, I was more than willing to bring the threshold well below what the President proposed.

In addition, I believe that extended unemployment benefits should be made available to particular industries or communities adversely impacted by September 11. This should be the case even if a State as a whole doesn't experience a major increase in unemployment.

So I hope I have made it apparent that on our side we care about dislocated workers and getting them unemployment and health benefits. The differences are grounded in how to do it, and not whether to do it. I still believe that we are not that far apart and our differences can be bridged. If we are willing to take the partisan blinders off and focus on getting help to workers immediately instead of winning ideological points, we can come to agreement on a proposal.

I have been so flexible that I know how Gumby feels.

So, here we are, and I am left asking why we are stuck in this partisan ditch. We have common ground on the investment side, consumer spending side, unemployment benefits, and health coverage for dislocated workers. Why couldn't we work out an agreement? It seems that there are three reasons.

The first reason is that the Democratic leadership doesn't want two negotiations with Republicans. They don't want to negotiate with Senate Republicans first and then have to negotiate with the White House and House Republicans later in conference. I have to chuckle when I hear this type of objection coming from the Senate Democratic leadership. When I was negotiating the bipartisan tax cut in the Finance Committee, I ran into the same objection from many in the Senate Republican caucus. You know who would bring this up. They said, GRASSLEY, don't negotiate with BAUCUS. If you do, you will have to negotiate further to the left on the Senate floor. One negotiation is better than two.

If I had followed that ''one negotiation'' directive, we would have had chaos on the Senate floor last spring.

As it turned out—and for reference for people who are fearful that maybe the bipartisan Senate Finance Committee agreement couldn't hold in conference right now—the track record of last spring is that the bipartisan Finance Committee agreement held on the Senate floor and largely stayed intact in conference. But if the House and Senate parties agree to a so-called preconference strategy, which has been talked about within just the last 4 or 5 hours due to our constrained time now that we are getting up against adjournment this fall, I will certainly support that effort and hope it happens.

So you can't proceed because you don't want to negotiate twice. I hope I have proved that is not a problem here in the Senate, if you do it right.

There is a second reason given for not negotiating.

It seems that many in the Senate Democratic caucus want some kind of ''payback'' against the bipartisan tax relief legislation. In their view, the bipartisan deal was wrong, and with their caucus now running the Senate, they do not want to see it repeated in any way. In their view, a bipartisan Finance Committee deal would have been a bad deal unless it contained all four corners of the Senate Democratic caucus position. As I said, I showed movement on several issues but could not get movement from the other side. Everyone knows that unless both sides move, you can't get a deal.

So here we are with basically the Senate Democratic caucus position as the Finance Committee bill. The bill before us is a partisan product. There is no gesture to the Republican side. The Finance Committee bill says, ''Our way or the highway.'' I only ask, is this what the American people want? I didn't think so at the time of the tax cut last spring, and I don't think so now.

There is a third reason we can't get a deal. Senate Democrats say the House Republican partisan process necessitate a partisan response. We are kind of engaged in a game of legislative ping pong. That frustration, while understandable, doesn't justify shutting out Senate Republicans. Senate Republicans are not irrelevant. The House passed a partisan tax bill in the Spring, but that did not stop the Senate from passing a bipartisan package which the President signed on June 7. The Senate should not be rendered irrelevant because of partisan politics in the House.

The American people expect us to work together. That is what I have been trying to do over the past few months. Senate Republicans are flexible and willing to move toward Senate Democrats, but it is a two-way street and Democrats must also show movement.

To sum up, we want to get a bipartisan stimulus package. Bipartisanship does not mean adopting the Senate Democratic caucus position.

At this time, we are struck with this partisan, special interest Democratic bill that came out of committee on an 11-to-10 vote. We see that, even the media, like the Washington Post, call this bill a poor excuse for economic stimulus. They blame lobbyists for shaping a stimulus bill. ''Special Interests Scramble for Tax Break's, Other Windfalls''. The headline of one Post article reads ''Lobbyists Shaping Economic Stimulus bill.'' And it goes on to talk about companies getting tax credits for millionaires and payments going to billionaire bison ranchers.

Let me note, however, that extensions of provisions that expire under current law are matters we should address.

In the Finance Committee, the Democratic leadership lined the votes up, and we on this side were left out. That was an unfortunate outcome for the Finance Committee, which has a great bipartisan tradition.

With some optimism, I noted at the Finance Committee markup that the centrists, a group of some Republicans and some Democrats who consider themselves right in the center of the political spectrum, indicated that things on the Senate floor would be different. I am hopeful of this sentiment expressed by the centrist group and that, combined, we can get enough votes to put together a bill that will get 60 votes to get a bipartisan bill through. I hope this will cause the Democratic leadership then to engage in a bipartisan debate. It is about time the process on this bill changes and reasonable heads prevail.

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

I ask unanimous consent that the Senator from Massachusetts be recognized after the quorum call.

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

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, today brave young Americans are on the front lines of the fight for freedom from terrorism, and here at home we must work together to defeat the terrorists who would poison our people, panic our society, and paralyze our democracy. An essential point of protecting our homefront is protecting our economy because the state of our Union cannot be strong if the state of our economy is weak.

Even before September 11, the Nation's economy was already weakening. The unemployment rate had been climbing for months. Relatively few new jobs were being created. Companies were announcing a successive round of layoffs. Business investment was being drastically reduced. Profits were rapidly falling.

Last week, consumer confidence dropped to its lowest level in 7 years. And 2 weeks ago, the unemployment rate took the largest jump in 21 years. Nearly 8 million people are now out of work through no fault of their own, left with no pay and no golden parachute. For them and their families, life is a nightmare of missing paychecks, unpaid bills, lost health insurance, and no job on the horizon.

Surely, it is these Americans who deserve our highest priority in Congress. Helping these workers is the quickest way to stimulate our economy. But if we act in the wrong way, a stimulus package could actually harm the economy.

The Republicans would rely almost exclusively on permanent tax cuts that would do little or nothing to promote growth when we need it most, which is right now. Their proposals are neither fair nor will they work. They do not measure up to the high standard required of us. A true stimulus package cannot be a disguise for special interests, nor can it run the risk of imposing large, new, long-term deficits on the Federal budget.

Permanent, new tax cuts, on top of the now nearly $2 trillion in tax cuts enacted earlier this year, would actually hurt the economy by increasing the cost of long-term borrowing. Such cuts would discourage the kind of business investments we need to encourage.

A true economic stimulus program must meet three criteria:

First, it must have an immediate impact on the economy. The dollars in the stimulus package must be spent in the economy as soon as possible. The best way to accomplish this goal is to target the funds to the low- and moderate-income families who are the most certain to spend it rather than to save it.

Second, the tax cuts and spending provisions in the plan must be temporary. They must focus on the immediate need to generate economic activity. And they must not impose substantial new long-term costs on the Federal budget.

And third, the package must be fair. It must focus on those who need and deserve the help, who are suffering the most in these difficult days. It must reflect the renewed national spirit of taking care of each other.

The bill reported out of the Finance Committee—and I commend Senator BAUCUS for this, as well as Senator BYRD for the homeland security provisions which are part of the package—rightly gives first priority to the millions of Americans who have lost their jobs in the current seriously sagging economy. It puts money directly in the hands of those who will spend it immediately and will help laid off workers provide health insurance for their families.

Let's look at the proposal of the Finance Committee, which represents the best judgment of the Democrats on this measure. Let's look at the heart and the soul of this particular program.

All we have to do is look at the reports over this past weekend by the Nobel laureate in economics, Joseph Stiglitz:

> The United States is in the midst of a recession that may well turn out to be the worst in 20 years, and the Republican-backed stimulus package will do little to improve the economy—indeed, it may make matters worse.

We may be in the midst of the worst recession of the last 20 years, ''and the Republican-backed stimulus package will do little to improve the economy—indeed, it may make matters worse.'' That is not a Democratic statement or comment, and it is repeated by economists across the country.

What have been the proposals? The principal proposals of the Democratic effort have, first of all, included unemployment compensation in order to get resources out to those who are unemployed.

We can ask ourselves, what has been the record of the Senate over the period of recent years? My friend and colleague from Iowa talked about how, in recent years, Republicans had supported unemployment compensation. That is true.

The unemployment insurance benefits were extended four times during the recession in the early 1990s. At its peak, an additional 33 weeks of benefits were provided. On November 15, 1991, the Senate passed an unemployment compensation bill to add an additional 20 weeks of unemployment benefits for States with high unemployment rates and 13 additional weeks for other States. That vote was 91 to 2. The Republican Senators voting for the extension included Senators BURNS, COCHRAN, CRAIG, DOMENICI, GRAMM, GRASSLEY, JEFFORDS, MCCAIN, MCCONNELL, MURKOWSKI, NICKLES, SMITH, SPECTER, STEVENS, and WARNER, and then-Democratic Senator SHELBY also voted in favor of the extension. The vote was 91 to 2. It represented a bipartisan effort. This is virtually identical to what was considered back at that particular time in 1991.

Then, in 1992, we were still facing the challenges of significant unemployment, and we passed 94 to 2 to supplement the regular benefits. The bill raised the maximum additional weeks to 33 weeks of benefits for States with high unemployment, and 26 weeks for all other States. It was a much more dramatic bill. This bill is much more modest. That vote was 94 to 2. And that included the Republican leader, Senator LOTT, as well as Senator GRASSLEY, and other Republicans.

Then in June of 1992, by a voice vote—and it passed—we had an increase in the unemployment compensation. Then the conference came back, and the vote was 93 to 3. That was in 1992.

Then in 1993, the vote was 79 to 20.

What is it about the Republican leadership that they are opposed to this program now? That is what these workers are asking. Not only the hundreds of thousands of workers who lost their jobs prior to September 11, but all those who have lost their jobs since that time, they say: You have done it before for workers. You have done it when we have needed it. Why aren't you willing to do it now? That is part of the challenge of the Democratic leadership to our Republican friends.

We have listened to the ranking minority member of the Finance Committee who says: Well, we have supported it in the past. We will try to work something out.

You can work it out right now by supporting this very modest proposal. And it is fairly easy to understand why this has been an important provision, why this is a responsible provision. The cost of this proposal: $14 billion. That is the unemployment proposal. At the present time, we have $38 billion in Federal unemployment insurance trust funds that have been paid on behalf of the employees. We are talking about taking $14 billion out of there. We have done it in the past.

What is their resistance? What is their reluctance? Why aren't they willing to look after what is most important in a recession—the real people who are suffering, the workers who are suffering, men and women who want to go to work today and can't go to work

because their jobs have been lost to them? Real people, real families. Those are the people we are caring about. The funds are sufficient, obviously, to take care of that. We have more than enough funds.

Why is this important? As we have seen before, unemployment insurance is an ideal stimulus. It delivers the stimulus where and when it is needed. It provides $2.15 of positive impact to the GDP for every $1 that is spent. That has been the history of it, according to the Department of Labor. And it has been relied on by the Congress, and the Senate, going back for a long period of time.

Let's look at what is happening out there in the real world in terms of the levels of newly unemployed not seen since 1992. This chart I have in the Chamber, going from 250,000 to 550,000, shows what is happening in 2001. It shows the greatest increase, as I mentioned, of the number of unemployed workers going right up through the roof. It is virtually the highest we have seen in over 10 years. It is a real problem. The statistics show it. The families show it. We have the resources to be able to afford it. We have enacted that at other times in our history, and done it in a bipartisan way.

Now look at the percentage of unemployed workers receiving unemployment benefits which has declined over the last 25 years.

In 1975, 75 percent of those who were unemployed received unemployment insurance. And then, during the 1980s, the States squeezed back eligibility for workers who were unemployed. We have seen, as a result of that, that we are down now, with figures getting further and further from what they were in 1975. We are finding out that only 38 percent of those workers are receiving the benefits now. We not only have to do something in order to extend unemployment compensation, but we also have to do something about the eligibility and who will be eligible for that program. The Democratic program does just that. It is one of the key important features.

(Mr. TORRICELLI assumed the chair.)

Mr. KENNEDY. This is what is happening out there. Low-wage workers are half as likely to receive unemployment benefits as other unemployed workers, even though low-wage workers are twice as likely to be unemployed. That is because of the change of the rules and regulations in the States. Nationwide, they are twice as likely to be unemployed and they have half as much chance of getting any kind of coverage. In all but 13 States, unemployed workers seeking part-time work are not eligible for unemployment benefits. In all but 12 States, most unemployed low-wage workers are not eligible for unemployment benefits.

The Democratic plan ensures that more than 600,000 low-wage and part-time workers will receive the benefits. These are men and women whose employers are paying into the fund now on their behalf. That is the extraordinary thing. These workers are being paid for in the fund at the present time, but they are not eligible because they have been effectively written out with the redrafting and changes of the unemployment laws in their respective States. There are only 13 States that even provide unemployment help and assistance for part-time workers—those workers who work 30 hours a week or less.

What we have seen in the workforce is that there has been a very important transition to increasing what they call the temps, the part-time workers. Seventy percent of those are women, because they want to go into the workforce, and sometimes to expand their families and then go back into the workforce. They may want to work a certain number of hours, and even though they are paying in under the unemployment compensation, they are being left out; but not under the Democratic program. That is very important.

This chart shows that there are only 13 States that provide unemployment insurance for the part-time workers. This chart shows that only 12 States provide unemployment insurance for the low-wage workers. That is a dramatic difference from other times of recession we have seen.

So this proposal—one very important aspect of it, the unemployment insurance—has been accepted by Republicans historically. The reason they have accepted it is that, as other distinguished economists and the CRS have pointed out, this program is truly a stimulus in terms of the economy. It is fair, temporary, and it works. It provides very important assistance to needy families.

I want to take a minute—and I see others on the floor who wish to speak—on another major part of our program—that is with regard to health insurance, which is important. Many colleagues remember the debate we had on the Patients' Bill of Rights not long ago and what many of our colleagues on the other side of the aisle said:

> If we want to look at what the real problem is in America, it is the 44 million people who do not have any health insurance.

That was Senator SANTORUM on June 20.

> If you have no insurance, the likelihood of getting good health care in the United States is much less.

That was Senator FRIST.

> We will be using the health care coverage for seniors who are taking arthritis medicines, men and women who are being treated with chemotherapy or kidney dialysis, and families waiting for loved ones to have bypass surgery. These are the lives that will be disrupted, even devastated, as a direct result of this bill. They are talking about the Patients' Bill of Rights.

Then Senator HUTCHISON said:

> The Kennedy-McCain bill ignores what I believe is the most important patient protection, and that is affordable health insurance.

Well, Mr. Republican, your problems are solved because under the Democratic program we provide an effective extension of health insurance for those who had it in their previous employment and lost it, and for those who didn't have it but need it in terms of this recession. We have a lot of statements and comments about the importance of extending this. And, we are doing the job.

Let me just review a couple of facts. The typical unemployment benefit is $925 per month. The health insurance costs are about $588 per month, which is 63 percent of the unemployment benefit. Only 18 percent of workers today, if they qualify for COBRA, are able to take advantage of it. It doesn't do very much for them. The Senate Democratic plan provides 75-percent premium assistance. CBO estimates this would cover 7.2 million workers.

We listened to my friend from Iowa talk about what the Republicans were doing. Senate Republicans have an inadequate plan that at least would provide a family with 2 weeks of COBRA. Theirs is the $3 billion, which they say can be used for unemployment compensation, health insurance, and other kinds of activities in the States, leaving it up to the States. We heard that outlined, but the numbers weren't described. If they use it all for health to offset premiums, it will last for 2 weeks for COBRA. So when we recognize the difference, it is very real.

The next chart demonstrates $925 a month as the average unemployment. In order to recover your COBRA, it is 65 percent of that. As a result, very few are able to do it. If we have the Democratic program, the amount that will be required will only be 16 percent. That will result in about 80 percent of all of those being covered.

This chart shows who recovered. Nearly half of all workers are not eligible for COBRA, including workers in small businesses of fewer than 20, workers in businesses that go out of business, individuals who buy individual coverage, those whose employers do not offer health insurance or cannot afford to take it up. They are excluded. What do we do? They need an affordable health option.

We Democrats are proposing a new Medicaid State option to cover these workers. CBO has estimated that 2½ million workers will benefit from our plan. The Republican plan has no relief for these workers; zero will be included. The administration proposes to take funds from the CHIP program for these workers, to cover the workers they would like to cover, which is basically taking money that is guaranteed

to the States, on which the States rely to provide coverage for uncovered children. It is effectively robbing Peter to pay Paul.

On this chart, if you look at the categories on the Democratic and Republican packages:

Guarantees workers help paying COBRA, who will have COBRA but find difficulty in affording it.

We would help the 7.2 million unemployed Americans. The Republican bill has no guarantee.

Providing help for displaced workers.

We provide 2½ million Americans with coverage. There is no such coverage under the Republicans.

Provide the State fiscal relief by improving Federal Medicaid payments.

That is what they call an ''enhanced match,'' which has been so successful to get children. We provide that, and the best estimate at CBO is that 4 million will be covered.

If one is concerned about health care, this is how it gets done. It is not just what we are saying; it is what the CRS and the CBO says. This is an effective program to deal with the health aspects of this proposal.

If we are talking about something that is going to be temporary, if we are talking about something that is going to be stimulative, if we are talking about something that is fair, these aspects of the Finance Committee proposal meet all of those criteria. It will assist those who are impacted—working families. It will give them some lift. We have done that in a bipartisan way historically.

We ask the question: Where are our Republican friends? Why are they not joining us as they did at other times? If you understand the importance of health care, this is the best way to do it. If they have a better way of doing it, I am sure our leadership and the Finance Committee will welcome that opportunity. This will ensure that workers who need health care for their families are going to be able to maintain their coverage, and the health industry, which is so important to our country, is going to prosper. This is limited to 1 year. It is a 1-year stimulus program.

The democratic plan helps ensure that States do not have to make budget cuts that would undermine any Federal stimulus. States have yearly balanced budget requirements and many are already looking at major budget cuts to meet those requirements. To help keep State economies strong, our plan freezes planned Federal Medicaid cuts and enhances the Medicaid matching rate by up to 3 percent for States that agree not to cut back on their coverage. This plan will provide immediate assistance to States and help assure they do not have to make budget cuts that put us deeper in recession.

The Democratic plan is also a fair balance between tax incentives and spending incentives for the economy. The tax incentives in the plan meet the three essential criteria for a stimulus—they will put money into the economy now, they do not impose substantial new long-term costs on the federal budget, and they treat fairly those who are most in need.

Seventy percent of Americans today pay more in payroll taxes than in income taxes. Yet many of them received no tax rebate earlier this year. The rebate unfairly ignored these low- and moderate-income families. A one-time rebate of payroll taxes to them now will immediately inject $15 billion into the economy, placing the dollars in the hands of people who are likely to spend them immediately. Economists tell us that families with modest incomes are likely to spend the extra money they receive right away on needed consumer goods. Those with higher incomes are more likely to save it.

The Democratic bill also includes temporary, targeted tax cuts to stimulate immediate business activity. These changes provide more favorable treatment for new investments now, and they deserve to be supported.

Because the tax cuts in the Democratic plan are truly designed to be an immediate economic stimulus, they do not incur any substantial cost beyond 2003. This point is vital to our economic recovery. Enacting new permanent tax cuts which can trigger large long-term Federal deficits would be counterproductive. Permanent new tax cuts—on top of the nearly $2 trillion in tax cuts enacted earlier this year—would actually hurt the economy now, by raising the cost of long-term borrowing and discouraging the kinds of investment we need most today.

The House of Representatives passed, by the narrowest of margins, a so-called stimulus package that will not stimulate economic growth in the short term, and will not be affordable in the long term. It merely repackages old, unfair, permanent tax breaks which were rejected by Congress last spring under the new label of ''economic stimulus.'' The American people deserve better.

The long-term cost of the House plan is too high, and less than half of the dollars would reach the economy next year. The House plan offers $46 billion in tax breaks to big businesses by permanently repealing the corporate alternative minimum tax and by giving permanent new tax cuts for multinational corporations. These provisions are an unacceptable giveaway of public resources.

The alternative suggested by our Republican colleagues in the Senate is also flawed. Their proposal to accelerate the reduction of upper income tax rates would cost $120 billion over the next decade. Only a small percentage of these dollars—less than one dollar in four—would go into the economy in 2002. And these dollars would go to those least likely to spend them. The result would be little immediate stimulus, large long-term costs, and a grossly unfair distribution to the wealthiest individuals in our society.

In fact, the House Republican proposal gives $115 billion in permanent new tax breaks to wealthy individuals and corporations, while the Senate plan would give them $142 billion in new tax breaks. Yet each of the Republican tax plans provide only $14 billion for low- and moderate-income families. Under the GOP plan, the tax cuts for corporations and wealthy individuals are permanent, while the cuts for working families are limited to just 1 year. The result is unfair, and it will not provide the economic stimulus that the Nation urgently needs now.

Our Democratic alternative also includes key steps to make our country stronger and safer. It includes needed resources to fight bioterrorism and improve our ability to respond to an attack. It will help detect an attack by strengthening our public health system. It will help treat the victims of an attack by making sure that our hospitals and other health facilities are better prepared. It will expand pharmaceutical stockpiles and develop new treatments. We owe it to the American people to take these steps now, and we need this legislation to do that.

Perhaps never before in history has our Nation faced such grave challenges. The tragedy of September 11 has touched us all. Together, we witnessed a horror we could not have imagined and bravery which inspires us all. The tragedy may have shaken our basic assumptions about the world in which we live, but Americans have not retreated in fear. Instead, they have risen to meet these new challenges. The spirit of September 11 has compelled vast numbers of our fellow citizens to ask what they can do for their communities and our country.

It is time for Congress to do its part. We must respond to the economic crisis the Nation faces. As we do so, we must show our dedication to America's best ideals. As we fight for a safer society, we can also create a more just society at the same time. September 11 has taught all Americans that we need to help each other as never before.

We will not ignore the plight of millions of Americans hurt by this tragedy and by economic forces beyond their control. As we work together to get our economy moving again, we can also work together to see that none are left behind. We have a unique opportunity to give help and hope to every American as we enact a stimulus plan that puts America back to work.

The American people are meeting this challenge, and we must demonstrate to them that Congress is capable of meeting it, too. The test we face now is to pass a stimulus package that

truly lifts the economy, and lifts it fairly and responsibly. The American people are watching this debate closely, and they are waiting for our answer.

I hope Americans who are paying attention to this debate understand the dramatic contrast between what has been suggested by our Republican friends and the proposal that has been advanced by our Finance Committee. Hopefully, we will gain their support.

The PRESIDING OFFICER (Mr. SCHUMER). Who yields time?

Mr. BAUCUS. Mr. President, I yield 15 minutes to the Senator from New Jersey.

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

Mr. TORRICELLI. Mr. President, I thank the distinguished chairman of the Finance Committee for yielding the time, and I compliment him on his extraordinary leadership in bringing the Senate to this moment.

It may well be that this Nation was headed towards an economic downturn before September 11. We may debate that fact, but there is no mistaking that every State in the Nation is now facing a dramatic change in economic circumstances.

In October, the unemployment rate rose one-half point, to 5.4 percent of working Americans; 400,000 people lost their jobs, including 8,000 in my State of New Jersey alone.

As this has affected our families individually, the economic change has affected our States collectively. Thirty States are now clearly in a position of economic recession.

The Senate is faced with two very different philosophies in dealing with this change of economic circumstances. The Senate Finance Committee, under Chairman BAUCUS leadership, has sought to address both the causes of the downturn and those most dramatically affected by the economic downturn.

The bill, as Senator KENNEDY has illustrated, provides 13 weeks of extended unemployment benefits. It makes many part-time workers eligible. These are the people on the front line of our economic difficulties, and rightfully and exclusively, this bill, among the alternatives before us, provides the most help to families who, through no fault of their own, now find themselves wanting for rent payments, mortgage payments, or tuitions, and only have the bridge of unemployment benefits to get them through the crisis.

In New Jersey, this means 50,000 people will be able to continue their unemployment benefits or face the prospect of no help at all; 11,000 part-time workers in New Jersey, the most vulnerable of the vulnerable, will be able to continue their benefits.

The bill also addresses the reality that as people lose their jobs, their problems are compounded by the emergency situation of also losing health benefits. The legislation provides a 75-percent subsidy for laid-off workers to purchase COBRA insurance.

As families are vulnerable, so are the States. The National Governors' Association projects State revenues to be $30 billion less than previously forecast. As we all know, as the States start to reduce their budgets to deal with the budgetary emergencies, the first to suffer will be education and health care.

Twenty-nine States already face $600 million of projected reductions in what they will be able to provide in health care. The Baucus bill provides $5 billion directly to States through an increase in Medicaid matching funds.

These provisions are all national in scope. They help every State in the Nation deal with this economic emergency, but, in fact, as acute as the situation is nationally, regionally it is the most severe. While all the Nation is in pain, it is most severe in those areas directly impacted by the terrorist attacks on September 11.

It would be no surprise to anyone in the Senate to know the economic downturn is affecting the New York-New Jersey-Connecticut areas most directly. The attacks not only killed thousands of people, but for those left behind, those whom they loved and their neighbors, the economic impact is particularly acute. Prior to September 11, 300,000 people worked in Lower Manhattan in the impact area. Since the attacks, 125,000 people have been displaced; 19,000 have already left the city; 35 million square feet of office space is currently unavailable.

Indeed, in Battery Park City, home to thousands of New Yorkers in Lower Manhattan, only 30 percent of the tens of thousands of residents have returned to their homes.

The simple truth is, as a matter of employment and residency, Lower Manhattan will never be the same without Federal assistance. This legislation dealing with the economic emergency in the Nation, as it deals with national unemployment, the national health care situation, the national need for stimulus, focuses in particular on the fact there is an acute economic emergency in Manhattan.

The legislation that I offered with Senator SCHUMER and Senator CLINTON contains $5 billion in economic assistance to New York. I make no apologies for offering this legislation. Almost unbelievably, I have read in the national media that somehow this constitutes some form of special interest legislation.

The terrorists may have attacked buildings that were in New York, but this was an assault on America, on every American, and it tests our concept of national union whether when an individual city, State, or group of people are attacked, whether we respond as a city or State or we respond as a country.

I may live in New Jersey, but on September 11 my country was attacked, and we should all respond as Americans.

If there is a special interest contained in this legislation to deal with residency and employment, the economic stability and the reconstruction of New York, let us identify that special interest.

The interest is, we are all Americans, we are all in this together, and we will respond together. That is the interest being tested.

Now, indeed, the pain may be particular to New York, but it is shared with their neighbors whom I represent in the State of New Jersey. Two hundred thousand New Jersey residents are employed in Lower Manhattan, or they were employed, because 40 percent of the people who worked in the World Trade Center lived with their families in New Jersey. Fifteen thousand people lost their place of employment if they did not also lose their lives. Sixty-six thousand people from New Jersey commuted every day to Lower Manhattan on the PATH railroad system, all of which to Lower Manhattan is now in shambles.

The $5 billion in tax incentives will apply to the 1.6-square-mile recovery zone around the World Trade Center. That is where people I represent worked every day. They lost their offices. Many lost their companies. Most lost their means of employment with which to feed their families and raise their children.

Special interests? Very special. Keeping these people employed, their families alive and prosperous, that is our special interest.

This $5 billion in tax incentives includes a $4,800 employee wage tax credit for existing and new hirers to try to keep employment stability in Lower Manhattan so a bad situation does not get worse; second, $10 billion in private activity bonding authority to rebuild the real estate in the impacted zone; third, to encourage businesses to stay and reinvest in Lower Manhattan. The bill will allow the cost of replacement property to be deducted as a loss.

There is no better symbol to the world of American resolve, our determination to survive, than to rebuild in this economic zone and to provide stability for employment in the impacted area. That is exactly what we intend to do.

Then there is the question of the Nation's infrastructure. We are not responding properly to the recession, this economic emergency, if we provide for unemployment benefits, provide for health insurance, provide for the areas most acutely impacted, if we do not also do something about the national infrastructure.

I yield to Senator BAUCUS.

Mr. BAUCUS. I thank the Senator. Mr. President, I ask unanimous consent that the Senator from California

be allowed to speak for 5 minutes at the conclusion of the remarks of the Senator from New Jersey.

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

Mr. TORRICELLI. This package is not complete if we deal with unemployment and health benefits and the impacted area of New York, but we do not also do something about the national infrastructure.

The truth is this Nation had a severe infrastructure problem long before there was a recession. Thirty-three percent of the Nation's half million bridges are structurally deficient. Fourteen million children attend schools that are a decade or two beyond the needs of basic repairs. The time to do that work is when we have workers to do it.

In 6 months or a year, as commercial construction activity in the Nation slows and people employed in the building trades add to the ranks of the unemployed, the one means of keeping them working is to do the work for the Nation that already needs to be done. Yet our Republican friends and even some in the media call this a special interest—pork.

Can building a school for a child in a deficient structure ever be a needless expenditure? It may be safe for someone in some media outlet or someone who feels good about their own child to call building a school pork. To me, it is meeting a basic obligation.

I have placed in this bill, and I make no apologies for it, a major national investment in national infrastructure to build high-speed rail lines. It is right and it is proper. As was demonstrated on September 11, this Nation's transportation infrastructure is fragile. When it is interrupted, business stops, employment declines, and the Nation's economy suffers. This economic downturn is an opportunity, once again, to increase employment by modernizing our infrastructure, as we have done in almost every recession in the last 50 years.

As the chart to my left illustrates, as we try now to provide duality in our national transportation infrastructure so the Nation is not entirely dependent on an aircraft system, this chart demonstrates how much each of these Federal Governments contributes to the construction of rail systems.

In Germany, the government provides 21 percent; France, 20 percent; the United Kingdom, almost 18 percent; and the United States of America, .04 percent of our rail system is provided by the Federal Government. It is therefore no wonder the Nation is largely without a modern high-speed rail system outside of the Northeast corridor.

The amendment I provide in this economic stimulus package provides $9 billion in bonding authority which will be repaid by Amtrak. The Federal Government only pays the interest on these bonds. It would cost $4 billion to provide modern systems throughout the country, in the Southeast from Washington to Jacksonville, including Virginia, North and South Carolina and Georgia; a modern high-speed rail system from Orlando-Miami-Tampa; on the gulf coast, from Houston and New Orleans, eventually to Atlanta; and a Midwestern Express covering nine States.

This is the moment. We need to employ people. Ridership is soaring. The demand is clear.

The PRESIDING OFFICER. The Senator has consumed 15 minutes.

Mr. TORRICELLI. I ask unanimous consent for an additional 5 minutes.

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

Mr. TORRICELLI. This is the moment to build this high-speed rail system. It is in this legislation. It is identical to the legislation cosponsored by 56 Senators, including Senator LOTT and Senator DASCHLE. Use this moment to build this system.

The legislation also includes $2 billion toward the engineering and construction of a new Trans-Hudson tunnel between New York and New Jersey. This is vital. There has not been a rail tunnel built between New York, connecting it with the rest of the Nation, since 1920.

The existing tunnels do not have escape mechanisms. They do not have adequate fire protection. They are old and they are slow. This legislation will immediately begin the engineering and then the funding of a new rail tunnel. So if in any future emergency or terrorist attack we lose the existing tunnels, there will be one safe, modern, fast tunnel to connect New York with the remainder of the Nation and allow in New Jersey an Amtrak for the rest of the country to expand the rail commuter network, which is now at capacity, to get more people out of their automobiles and onto trains, throughout suburban New Jersey, into Manhattan.

Nothing would convince employers to remain in Manhattan longer and invest better than the knowledge there will be a rail network to get employees there in the decades ahead. Our constituents are giving us exactly that message. Ridership is up 45 percent from New Jersey to New York City since September 11. Amtrak now runs 21 trains per hour through the existing tunnel capacity. They need to get that rate to 45. This new tunnel can add 20 trains an hour. We can get people out of their cars. We can get them into safe trains. This legislation contains exactly that capacity.

This is simply a good economic stimulus package. It is good in what it does to the unemployed. It is good in what it does for vulnerable families. It provides the proper public works to get people employed and keep them employed and make the national investments we need for the coming decades.

I am proud of it. It is the right thing. It is good legislation. I thank Senator BAUCUS. I thank my colleagues for being responsive to New York, New Jersey, and the Connecticut region during this time of crisis. I urge my colleagues to support this legislation and to do so with pride.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. Seeing no one else on the floor, I ask unanimous consent for an additional 5 minutes for a total of 10 minutes.

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

Mrs. BOXER. Mr. President, I have not spoken on the floor of the Senate in a long time. The issues have been coming fast and furiously toward us. Today I will discuss with my colleagues in the Senate the very important economic stimulus bill. Beyond that, before I turn to that bill, I will discuss what I consider to be the three most pressing matters to deal with, in addition to our normal appropriations work.

One of those is certainly this economic stimulus package. The last economic data we had showed the greatest loss of jobs in 1 month for 21 years. It has been 21 years since we have lost so many jobs in 1 month. We must take up this economic stimulus bill. We have been hit hard by the terrorists, and before that we were beginning to see a slowdown in our economy. The combination of the two is simply not acceptable.

Another pressing need is aviation security. I say in no uncertain terms I cannot say what the President says to the American people: Get in those planes and fly. I want to say those words, and I will say those words when we have passed the laws we need to pass to make flying as safe as possible.

We do not now screen and check all the bags that are in the underbelly of the planes. We don't check and screen the cargo for bombs. No, we do not. We do not have screeners who are a well-trained security force. We do not have air marshals on every flight. We do not have yet a secure cockpit always locked and not open during the flight.

These are four basic measures we have learned are the key to aviation security. El Al, that runs the Israeli airline, has told us very clearly: There are no secrets; these are the things we have to do. When we do those things, I will look in the eyes of your constituent and mine, and I will say not what I am saying today, which is, yes, it is safer than it was on September 11; but I can look at them and say the skies are as safe as we can make them.

To be a Pollyanna, to stand up and say, come fly with me—as the Frank

Sinatra song goes—I cannot do it. I fly a lot. I am in the air a lot to do my work. As I said, I know we are safer than we were before September 11, but we are nowhere near where we should be. I call on the conferees to get moving. I call on the House Republican leaders to get off their ideological problems and understand the same old way of doing business with private security handling the bags is a failure.

That is something we must do right away. We also need a package for homeland defense or homeland security. Senator BYRD has a wonderful, well-thought-out package which will become, I hope, part of the economic stimulus at a later time. It is modest in its approach but will allow us to vaccinate every man, woman, and child against smallpox and, God forbid if we have to, against anthrax, and develop the kind of work we need to prevent bioterrorism, protect our nuclear powerplants. Again, airport security, chemical plants, and we will give special grants to law enforcement, local and State, and rebuild our public health system so when we have a problem the local people, the first responders, will have the wherewithall to do what it takes.

I am very happy that Senator BYRD will be doing this. It ought to become part of the stimulus package because not only do we need it for the defense of our country, but we also know those dollars will be spent and every one of those dollars will help provide jobs.

That gets me to where we are right now, this economic stimulus package dealing with tax cuts. If you want to see the difference between Republicans and Democrats, if you are sitting at home and scratching your head and saying, aren't these guys and gals all alike, I say take a look at this package. What do the Republicans do, to the tune of more than $20 billion over 10 years? They give big dollars to those who have them—surprise. They give $1.4 billion to IBM. The last I checked, they earned $5.7 billion in the year 2000. The last I checked they were laying off people, not hiring people. Is that what we want to do, reward them for that?

Ford Motor, a $1 billion refund check; their corporate profits were $9.4 billion. General Motors, $833 million? Their corporate profits in 2000 were $2.9 billion. And, GE, a $671 million refund check. Their corporate profits were $9.3 billion.

I do not know how to say this in a way that doesn't sound harsh, but in the nicest way I can say it, it is this. I believe you have said it in your way as well, Mr. President.

For people to use the 9–11 tragedy, which you felt in your State—in your heart, with perhaps a few of you in this body more than any of us—to use 9–11 as an excuse to do something that these Republicans have wanted to do since the minute they took over control of the Congress, which is to reward their biggest contributors, is nothing less than unpatriotic. It is my feeling. It is how I feel. It is my opinion. It is not a fact. It is my opinion.

Let my say it again. To use 9–11 as an excuse to pay back your biggest contributors—who are laying off people, by the way, and who are doing just fine, thank you very much—is a disgrace.

If you want to see the difference in the parties, look at our tax cuts. They deal with ways to stimulate investment by businesses by giving a bonus depreciation to encourage investments in capital equipment, additional depreciation for small business, net operating loss carrybacks that will help companies that have done well in the last few years but not as well recently to get an immediate tax refund, and we propose giving tax rebates to those who were left out earlier this year.

I know Republicans have that provision as well. But the lion's share of what they do is this—and how about this—escalate the tax breaks so the wealthiest people among us get back $16,000 a year.

That is not $16,000 over 10 years. That is $16,000 in a year. Those are the people earning over $1 million a year. Thank you—they are doing fine, and they are not going to spend the money.

We had an interesting meeting with the former Treasury Secretary who presided over the greatest economic recovery our country has ever seen, Robert Rubin. He told us that those in that top bracket are not going to spend that money. They are spending everything they can spend.

These corporations are not going to put anybody to work when they get their refund checks. These are the people who are slimming down, who are cutting back. So what kind of economic stimulus is the Republican plan? It is a giveaway to the wealthiest people at the expense of everybody else.

And, might I add, it is a budget buster. It is a budget buster. When you look at the costs of the Grassley plan and the House plan, what are we looking at over the period? We are looking at about $170 billion over the period. When we look at our plan, even if you add on the homeland security, you are looking at about $60 billion over the 10-year period.

So they are bringing us right back into the deficit hole where they took us in the first place and it took a Democratic administration to get us out of that mess. Now they are putting us right back in the mess, deficits as far as the eye can see. To do what? Help the richest people in the country, the richest corporations.

I remember the days when there wasn't an alternative minimum tax because I was over on the House side when we decided it was outrageous that the biggest corporations in the country were paying zero taxes. I remember that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I ask for 5 additional minutes.

The PRESIDING OFFICER. There are 4 minutes remaining before the debate on the nomination.

Mrs. BOXER. I ask for 4 additional minutes.

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

Mrs. BOXER. Mr. President, I think you were in the House at that time as well, when we closed that terrible loophole and we made sure these companies, these companies that were popping champagne corks on tax day because they paid nothing in the defense of their country, paid nothing to educate one child, they paid nothing to give health care to one child, and we said that was wrong and we walked down the path and we put in a fair alternative minimum tax.

Here they are, boys; they are back. They are back and they are trying to go back to those days when the largest corporations in America paid zero.

Again, to use the 9–11 tragedy as an excuse to do this is beyond my ability to express. I usually don't have too much trouble, but this is horrific.

Let's not go back to those days in the 1980s. I will give an example. Senator ROBERT BYRD told a story about a woman in Milwaukee, the mother of three children, who in 1983 earned $12,000. On that income, she paid more taxes than Boeing, GE, DuPont, and Texaco put together. Welcome back to those days, if you go with that House plan.

Senator GRASSLEY just does away with this prospectively. The House gives them a rebate for the past. He doesn't do that, but he does away with it for the future. So I will be able to stand up here, if he prevails, and say the same thing next year: A woman earning $12,000 paid more in taxes than all these corporations together. I do not want to go there.

Here is the bottom line. We have the best economist in the world telling us the House plan and the Senate Republican bill will make things worse. That is Joseph Stiglitz, awarded the Nobel Prize in economics last month. He says the family earning $50,000 would get zero, but the Republican plan would give $50,000 over 4 years to families making $4 million a year.

What are we doing? This is a time we need to get money into this economy. We need to jump-start this economy. It started to go down when President Bush came in. With 9–11, it has gone straight this way. We better do something that gets it going.

So we have a lot of work to do. I can only hope the American people will weigh in, in this debate, and understand the average American with the

Republican plan gets nothing, gets big deficits again that will fall on their children, and the big corporations and the most wealthy among us will be ready to pop their champagne corks.

That is not fair. It is not just. It is not what 9–11 was all about. I hope we can stop it, come together, and have a fair plan for all Americans.

I yield the floor.

The PRESIDING OFFICER. The Chair thanks the Senator from California.

EXECUTIVE SESSION

NOMINATION OF EDITH BROWN CLEMENT, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 4:45 having arrived, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 511, which the clerk will report.

The assistant legislative clerk read the nomination of Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Under the previous order there will be 15 minutes for debate, time to be equally divided by the chairman and ranking member of the Judiciary Committee. At 5 o'clock, a vote will follow on that nomination. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I congratulate the nominee and her family on her nomination, confirmation and what is soon to be her appointment to the United States Court of Appeals for the Fifth Circuit. I also commend the Senators from Louisiana for working with the committee and the majority leader and working with the President to bring this nomination forward and to have the Senate act to confirm Judge Clement.

I take special pride in this confirmation because we are finally bringing some help to the Fifth Circuit. Since 1999, Chief Judge King of the 5th Circuit has declared a state of emergency in the Circuit such that the hearing and determination of cases and controversies could be conducted by panels of three judges selected without regard to the qualification in 28 U.S.C. section 46(b) that a majority of each panel be composed of judges of the 5th Circuit.

I well recall when delays in the confirmation process over the last several years threw the 2nd Circuit into a similar emergency in March 1998, and how hard I worked to get those five vacancies filled to end that emergency in my Circuit. I am glad that we are proceeding with Judge Clement today in order to try to help the 5th Circuit.

Judge Edith Brown Clement from Louisiana was among the first nominees sent to this committee by the President. Unfortunately, in the wake of the Republican leader's objection to keeping that nomination and many others pending over the August recess, Senate rules required that her nomination be returned to the President without action as the Senate began its August recess. She was nominated again in September to serve on the U.S. Court of Appeals for the Fifth Circuit, which encompasses the States of Texas, Louisiana, and Mississippi.

This is one of the many Circuits that were left with multiple vacancies at the end of the Clinton administration. Since January 23, 1997, Judge Garwood's seat on the 5th Circuit has been vacant. Despite the fact that former President Clinton nominated Jorge Rangel to fill this vacancy in July of 1997, Mr. Rangel never received a hearing and his nomination was returned on October 21, 1998. On September 16, 1999, former President Clinton nominated Enrique Moreno to fill the same vacancy. Once again, the nominee did not receive a hearing.

Since April 7, 1999, the seat previously occupied by Judge Duhe of the 5th Circuit has been vacant. Although former President Clinton nominated Alston Johnson to fill that vacancy only 15 days later, on April 22, 1999, Mr. Johnson was never granted a hearing by the Judiciary Committee in 1999, during all of 2000, or during the first months of this year while his nomination was still pending.

Over the last several years I have commented on those vacancies as I urged action on the nominations of Jorge Rangel, Enrique Moreno, and Alston Johnson to fill those vacancies on the 5th Circuit. None of those nominees were ever provided a hearing or acted upon by the Senate. After 15 months without action, Mr. Rangel asked not to be re-nominated. After 15 months and two nominations, Enrique Moreno's nomination was returned to the President without action. After nearly 23 months and two nominations without action, Mr. Johnson's nomination was withdrawn by President Bush in March of 2001.

The nominations hearing for Judge Clement was the first hearing for a nominee to the 5th Circuit in 7 years—since September 14, 1994. She will likewise be the first judge confirmed to the 5th Circuit in 7 years.

Since July 2001, when the Senate was allowed to reorganize and the committee membership was set, we have maintained a strong effort to consider judicial and executive nominees. With the confirmation of Judge Clement, we reach yet additional milestone. Judge Clement is the fifth nominee to the Courts of Appeals confirmed by the Senate since July 20 this year. We have now confirmed as many Court of Appeals nominees as were confirmed during the first year of the first Bush administration and two more than were confirmed during the first year of the Clinton administration. I thank the Majority Leader, the Judiciary Committee and all Senators for their cooperation in reaching this important goal.

In addition, I note that by confirming our 18th judicial nominee, we have now confirmed more total judges this year than were confirmed in 1989, the first year of the first Bush administration. With the confirmations of Judges Armijo, Bowdre, Friot, and Wooten last week, the Senate confirmed its 10th, 11th, 12th and 13th District Court judges for the year and matched and then exceeded the number of District Court judges confirmed in 1989, which was 10.

With the confirmation of Judge Wooten last week, the Senate confirmed its 17th judge over all and matched the number of judges confirmed in all of the 1996 session. With the confirmation of Judge Clement to the U.S. Court of Appeals for the Fifth Circuit we have exceeded that total for the 1996 session. Of course, in 1996, the Senate majority at that time did not proceed on a single nominee to a Court of Appeals and limited itself to confirming only 17 judges to the District Courts.

Thus, despite all the upheavals we have experienced this year with the shifts in chairmanship and, more importantly, the need to focus our attention on responsible action in the fight against international terrorism, we have matched or beaten the number of confirmations of judges during the first year of first Bush administration and the last year of the first Clinton term.

As a judge on the Court of Appeals, Judge Clement will have a vital role to play in protecting and preserving our civil liberties in the days ahead. Our system of checks and balances requires that the judicial branch review the acts of the political branches. I trust that Judge Clement will take this responsibility seriously and will rely on our rich history of judicial precedent to make wise decisions in the challenging times ahead.

The PRESIDING OFFICER. The Senator's time has expired.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The Senator from Utah has 1 minute 40 seconds remaining.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to use the remaining time of the Senator from Utah, unless he appears. I will then immediately yield to him.

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

Mr. LEAHY. Mr. President, I wanted to highlight that the Fifth Circuit is one of those circuits where for the last 6 or 7 years there was a refusal to hold any hearings on the nominees. I think we are changing the way things have been done in the past. On this nomination, there was a hearing within weeks after the nominee had cleared all the paperwork. I applaud the majority leader for bringing this nomination before the Senate.

I also thank the members of the Judiciary Committee, and the distinguished Presiding Officer, who voted for this nominee on a rollcall vote in the committee.

Mr. HATCH. Mr. President, I would like to voice my support for the nomination of Edith Brown Clement to the U.S. Court of Appeals for the Fifth Circuit. She has made a well-respected name for herself both as a litigator and as a Federal district court judge.

Judge Clement graduated from Tulane University School of Law in 1972. After graduation, she accepted a clerkship with U.S. District Judge H.W. Christenberry in the Eastern District of Louisiana. At the culmination of her clerkship, Judge Clement began a 16 year career as a litigator, eventually becoming a partner at the New Orleans firm of Jones, Walker. As a practitioner, she developed an expertise in admiralty and maritime law, and litigated a multitude of complex and nuanced cases.

In 1991, President G.H.W. Bush nominated Judge Clement to be a Federal district judge for the Eastern District of Louisiana—the same court for which she had served as a law clerk more than 15 years earlier. As a judge, she has written extensively on admiralty law as well as issues of general interest to practitioners.

I must note that although Judge Clement's confirmation hearing was held on October 4, she was still receiving written questions from Judiciary Committee members nearly 1 month later. In fact, she received a lengthy set of questions from one member on November 1, the same date her nomination was voted out of committee. Judge Clement nevertheless cooperated fully and answered the questions promptly. I wish to commend her and the Department of Justice for their efforts in complying with the requests of committee members.

During her tenure, Judge Clement has served with honor and distinction. She has proven herself to be exceptionally qualified for a position on the Fifth Circuit Court of Appeals, and I praise President Bush for recognizing that fact by nominating her to serve on that court. I wholeheartedly support Judge Clement's nomination, and urge my colleagues to do the same.

Mr. FEINGOLD. Mr. President, I will vote to confirm Judge Edith Brown Clement to the U.S. Court of Appeals for the Fifth Circuit today, but I do so with some reservations. I rise today to discuss my concerns for the record and to comment on the issue of privately funded judicial education about which I questioned Judge Clement.

Judge Clement has served for nearly a decade as a U.S. district judge in Louisiana. She is supported by my two colleagues from Louisiana and received a ''well-qualified'' rating from a majority of the ABA's Standing Committee on the Federal Judiciary. There is nothing in her record as a judge that gives me reason not to support her nomination.

At Judge Clement's hearing before the Judiciary Committee, Senator KOHL asked her two questions concerning her attendance at a number of judicial education seminars sponsored by free-market economics organizations. Let me quote the full exchange between Senator KOHL and Judge Clement:

Senator KOHL. I would like to turn briefly to the topic of privately-funded judicial seminars, or what some have called junkets for judges. Your financial disclosure forms indicate that you have attended a significant number of these seminars in recent years, including a seminar on environmental law hosted by the Foundation for Research on Economics and the Environment.

As you are probably aware, such seminars have come under intense scrutiny based on evidence that the seminars are one-sided and that they are being funded by corporations and special interest groups that have an interest in Federal court litigation. Senator Kerry and Senator Feingold have introduced legislation that would ban these kinds of trips.

Do you think that those Senators are correct to be concerned about these trips, and might you support their kind of legislation?

Judge CLEMENT. Well, as you know, judicial officers are frequently invited to participate as speakers or participants in programs dealing with judicial education, as well as continuing legal education for lawyers, as well as participate in lectures to law students. My experience has shown that the panels and the speakers are from a widely diverse group, that there is a representation from private industry as well as from government and public officials, as well as from the law schools, including the deans of the law schools and the faculty members.

So to that extent, my participation in programs, either as a speaker or as a participant, has reflected that there is a wide variety of opinions expressed. I think it is a very broad-based presentation of issues dealing with constitutional law, as well as antitrust and economic, as well as environmental issues. So to that extent, I don't see a problem with the educational opportunities afforded to the judiciary.

Senator KOHL. Do you plan to continue these types of seminars in terms of your attendance in the event that you are confirmed to the fifth circuit?

Judge CLEMENT. Well, some of the seminars are basic economics which, of course, I have completed. And then there is an advanced economics, which I have completed. Some of the seminars are focused on the Constitution, some are focused on environmental issues. So to the extent that I haven't already been exposed to that information and to the extent that I am impressed with the faculty that's being presented, I would evaluate the opportunity at that time when presented with the invitation.

I was concerned about this exchange for a number of reasons. First, Judge Clement seemed to minimize her participation in judicial education seminars that are put on for judges by outside interest groups. The question Senator KOHL posed was not about her giving a speech or a lecture, but about attending all-expense paid seminars funded by corporate interests with room, board, and airfare worth thousands of dollars to places like Montana and Captiva Island, FL. Judge Clement has taken five such trips from 1994–1998.

I was also concerned by Judge Clement's testimony that the seminars she attended were balanced and broad-based. An exhaustively researched report released last year by the Community Rights Counsel suggests strongly to the contrary. Judge Clement's answers to Senator KOHL's questions suggested that she sees nothing wrong with these trips and would not hesitate to attend similar events in the future if the topic of the seminar interests her.

Because I was concerned about Judge Clement's testimony, I asked a few followup questions in writing. Those questions had not yet been answered when Judge Clement came up for a vote in the Judiciary Committee. That is why I voted ''present'' in committee.

One of my questions called Judge Clement's attention to a Harvard Environmental Law Review article that specifically discussed one of the seminars that she attended, a trip to Montana in 1996 sponsored by the Foundation for Research on Economics and the Environment, FREE. After discussing the views of the various presenters at that seminar, the authors conclude:

It is easy to see why some corporations and extreme conservative foundations so eagerly fund FREE. FREE's seminars for judges explain how and why judges should strike down Federal environmental laws. FREE's assertion that its seminars present a ''very wide range'' of viewpoints is true only insofar as they feature both extreme positions like those of Greve, Huffman, and DeCrane, as well as moderate views such as those of Olson and Snow. The seminars offer no views contrary to the seminar's principle themes. No one at the seminar 1. gave a robust defense of existing Federal environmental laws, 2. explained fully why the market fails to protect the environment, or 3. critiqued the legal and constitutional analysis of Huffman and Greve.—D. Kendall and E.

Sorkin, ''Nothing for Free: How Private Judicial Seminars are Undermining Environmental Protections and Breaking the Public's Trust,'' 25 Harv. Env. L. Rev. 405, 447 (2001).

Judge Clement reviewed the article and stated in her response that she remains of the view that this seminar and others she attended ''focused on the problems and solutions from varied perspectives.'' Essentially, Judge Clement refused to acknowledge that these seminars have any bias whatsoever. I found this answer troubling because I believe that most fair-minded observers, even if they do not agree with me that there is a problem with judges taking expense paid trips to receive ''education'' from a specific corporate point of view, would agree that the seminars in question are slanted in favor of one approach to the law.

I also asked Judge Clement whether she had inquired about the corporate sponsorship of these seminars before attending and if not, how she complied with Judicial Conference Committee on Codes of Conduct Advisory Opinion 67. That opinion states:

> It would be improper to participate in such a seminar if the sponsor, or source of funding, is involved in litigation, or likely to be so involved, and the topics covered in the seminar are likely to be in some manner related to the subject matter of such litigation. If there is a reasonable question concerning the propriety of participation, the judge should take such measures as may be necessary to satisfy himself or herself that there is no impropriety. To the extent that this involves obtaining further information from the sponsors of the seminar, the judge should make clear an intent to make the information public if any questions should arise concerning the propriety of the judge's attendance.

The central thrust of this opinion in my view is that judges have the responsibility to inquire about the sources of funding of programs they attend and to take steps to avoid the appearance of impropriety should the funders be involved in litigation before them. Judge Clement's response to my question was troubling. She said she relied entirely on the sponsoring organization's description of their purpose and sponsors. And she added: ''Corporate sponsors were never identified, and to this day I do not know who they are.'' I find this attitude of willful ignorance of the underlying sources of funding for these seminars, an attitude that I fear is shared by many members of the judiciary who go on these trips, very disturbing indeed.

At the very foundation of our system of justice is the notion that judges will be fair and impartial. Strict ethical guidelines have been in effect for years to remove even the hint of impropriety from the conduct of those we entrust with the responsibility of adjudicating disputes and applying the law. One-sided seminars given in wealthy resorts funded by wealthy corporate interests to ''educate'' our judges in a particular view of the law cannot help but undermine public confidence in the decisions that judges who attend the seminars ultimately make.

Distinguished judges and academics, most notably former Representative, Court of Appeals Judge, and White House Counsel Abner Mikva, have spoken out against these ''judicial junkets.'' I have worked with Senator KERRY on legislation to address this issue. I hope that the federal judiciary can address this growing public perception problem through its own internal rules, but if it doesn't, I believe that Congress has the responsibility to act to protect the independence and the reputation of the judiciary.

Despite my reservations and concerns about Judge Clement's response to questions on this issue, I will vote for her. One reason is that in answering my questions she did acknowledge the importance of guarding against the appearance of impropriety. And she promised she would guard against such appearances if she is elevated to the 5th Circuit. Furthermore, there is no indication that her opinions as a judge have been unduly influenced by these seminars.

In sum, I want to be clear that I do not believe that taking part in these seminars should disqualify a judge from a subsequent confirmation. I do believe, however, that our judges need to be more attuned to the appearance problem that there participation creates. I hope that in responding to questions on this topic, future nominees will recognize the importance of the public perception of their independence and impartiality.

I ask unanimous consent that the list of trips taken by Judge Clement, to which I previously referred, be inserted in the RECORD.

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

PUBLICLY DISCLOSED TRIPS BY JUDGE EDITH B. CLEMENT

Date: 3–28–1996
Sponsoring Organization: ABA American Bar Association
Description: EEO, Carlsbad, CA, value $1069.65; airfare, lodging, meals, and misc. 3/28–29
Date: 1995
Sponsoring Organization: American Hawaii Lines
Description: Cabin upgrade valued at $2500
Date: 5–16–1995
Sponsoring Organization: Center for Judicial Studies/Liberty Fund
Description: 8th Annual Judicial Seminar, 5/16–21—airfare, lodging, meals and misc. expenses valued $1405.55 (listed Source as Liberty Fund)
Date: 9–17–1996
Sponsoring Organization: FREE (Foundation for Research on Economics and the Environment)
Description: Montana, 9/17–21, airfare, lodging, meals and misc., value $1727.28
Date: 10–2–1994
Sponsoring Organization: George Mason University Law & Economics Center (LEC)
Description: George Mason U Economics Institute for Federal Judges 10/2–15; housing & meals value $3832.88 and reimb. of $215 for airfare
Date: 4–12–1997
Sponsoring Organization: George Mason University Law & Economics Center (LEC)
Description: George Mason U Antitrust Institute for Federal Judges, Haines City, FL 4/12–18; airfare, lodging, meals, misc., expenses valued $2090.12
Date: 1–8–1998
Sponsoring Organization: Liberty Fund
Description: 1/8–11 Captiva Island, FL, Freedom and Federalism Seminar—transportation, meals and room
Date: 6–20–1996
Sponsoring Organization: SEAK, Inc.
Description: Expert Witness and Litigation Seminar, Cape Cod, value $1004.31 6/20–21
Date: 10–5–1995
Sponsoring Organization: SoEastern Admirality Law Institute
Description: SEALI mtg, 10/5–8; airfare, rental car, lodging and meals valued $768.86
Date: 5–27–1992
Sponsoring Organization: Tulane Law School
Description: CLE, 4th By the Bay Seminar 5/27–30; meals, mileage and lodging $339.01
Date: 10–21–1993
Sponsoring Organization: Tulane Law School
Description: CLE, 5th By the Bay Seminar 10/21–23; meals and mileage $146.97

The PRESIDING OFFICER (Mr. NELSON of Nebraska). All time has expired.

The question is, Will the Senate advise and consent to the nomination of Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 335 Ex.]

YEAS—99

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

NOT VOTING—1

Johnson

The nomination was confirmed.

Mr. SCHUMER. 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.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

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

SUSPENSION OF PROVISIONS OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985—Continued

The PRESIDING OFFICER. The question is on the engrossment and third reading of S. J. Res. 28.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass? The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 1, nays 99, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—1

Wellstone

NAYS—99

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

The joint resolution (S.J. Res. 28) was rejected.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I ask unanimous consent I be permitted to proceed as in morning business.

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

TRIBUTE TO PETER TORIGIAN

Mr. KERRY. Mr. President, it is a privilege for me today to honor and celebrate one of Massachusetts' most esteemed public servants, Mayor Peter Torigian of Peabody. After 23 years, the dean of Massachusetts mayors is retiring from public office but hopefully not from public life.

The city of Peabody is known as the ''Tanner City'' for its leather trade dating back to the 1630s, and therefore it is only appropriate that this former leather worker and leather-neck has led Peabody with vigilance, compassion, and integrity for over two decades. Peter's ascent to city hall began in a ''three decker'' in the heart of Peabody's industrial sector. Born to hard-working Armenian immigrants, Peter was studious and gifted, as well as the star quarterback for the Peabody High School football team. After school, the future mayor worked as a tanner and experienced first-hand the leather factories that were once the life-line of Peabody's industrial economy. He then put in 3 years of his life to the service of the U.S. Marine Corps before returning home to Peabody. As all of us in this body know: Once a Marine, always a Marine. He spent 16 years as a letter carrier for the U.S. Post Office. In a harbinger of things to come he quietly rose through the ranks to presidency of the union local.

Then began his formal public career with his election to the city council in 1968—a tumultuous year in the history of our country—and culminated with his election as mayor in 1979. The longest-serving mayor in Peabody history, his legacy will not be counted just in years but in the progress the city has enjoyed during his tenure. His peers throughout the state honored him with the title of ''Best Municipal Executive'' in a survey conducted by the Boston Globe, and his management expertise continues to be widely solicited. With an instinctual gift for sharing his knowledge and experience, he was recently appointed to the MBTA Advisory Board, elected as a member to the Metropolitan Planning Organization, and has served as chairman of the Essex County Advisory Board since 1983. The Massachusetts Municipal Association benefited from his service on its board of directors as well as the Local Governors Advisory Committee, which he started serving on in 1983.

The honors and citations, if stacked, reach to the sky; honored by the AARP in 1998, Peabody's Veterans Council in that same year, and honored by the Anti-Defamation League the year before. His housing efforts won the acclaim of the Citizens for Adequate Housing Community Service Award at the beginning of the 1990s, he was the North Shore Chamber of Commerce's ''Man of the Year,'' in 1991, and was honored by the President of Portugal with ''Command of the Special Order of Infant Henry the Navigator'' award in 1996.

Every public official is ultimately judged by the impact their policies have after the official has left office. In this way, generations of Peabody's children will be Peter's legacy, since thousands of children went through Peabody public schools during Mayor Torigian's time, and now their children are doing the same. The business growth in Peabody during Peter's term stands in stark contrast to the aged and fading industrial based that he inherited, and now the residents enjoy a robust economic climate while at the same time maintaining the New England flavor of the community.

I am honored to rise today to pay tribute to a remarkable man who has assembled an inspiring and very real list of achievements. I regard myself as fortunate to have him as a friend and colleague in government, and I join the families of Peabody and his peers throughout the State in celebrating his exemplary public service and in wishing him godspeed as he moves on to new horizons.

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Peter Torigian, the outstanding Mayor of Peabody, MA, who is retiring at the end of this year. He has served the people of Peabody with great skill and dedication for the past 22 years, and I know they join me in thanking him for his commitment and dedication to public service.

Mayor Torigian will long be remembered for the revitalization of Peabody's economy. He skillfully guided the transformation of an old manufacturing base into a thriving new office complex known as Centennial Park.

His impressive record of success in promoting economic development in Peabody and throughout the region is well known. He was instrumental in the development of the North Shore Mall, creating thousands of new jobs, the lowest corporate tax rate and the broadest tax base in all of Massachusetts.

He's also done an outstanding job in preserving open space and in cleaning up brownfields in the area. Brook Farm is a magnificent example of Mayor Torigian's commitment to the environment.

Under Mayor Torigian's leadership, Peabody has thrived on its diversity as well. Peabody recently celebrated its 18th annual International Festival, in which thousands of people visited the

city to celebrate its history and its heritage.

And Mayor Torigian's commitment to senior citizens has been unwavering. He created the Peabody Community Life Center, a remarkable center for seniors on the North Shore to gather and enhance their quality of life.

All of us in Massachusetts are grateful for Mayor Torigian's distinguished service to the City of Peabody and to our State, and we're grateful for his friendship. We know that his commitment to public service will continue in other ways, and he will be deeply missed.

The ACTING PRESIDENT pro tempore. The Senator from New York.

THE LOSS OF FLIGHT 587

Mrs. CLINTON. Mr. President, I rise today to express profound sorrow for the loss of life caused by the tragic crash of American Airlines flight 587 in the residential community of Belle Harbor, Rockaway, Queens, and the loss of 246 passengers and 9 crewmembers who were traveling to the Dominican Republic, as well as the loss of life on the ground where the plane crashed. It has added to the immeasurable sadness that New York and America have been forced to bear since the horrific events of September 11.

It is impossible to speak about the destruction that happened yesterday without recognizing the overwhelming sacrifices of the residents of the Rockaways. They have already contributed greatly to the defense of our city and our Nation. The families in this part of Queens have had to attend more funerals in the past 2 months than anyone should have to bear. They have lost many people who worked at the World Trade Center, as well as the numerous firefighters and police officers who make up this close-knit community. The courage and the values of these New Yorkers, these Americans, these public servants, have brought comfort to so many and have stood as a shining example of what is best of America.

I think it is fair to say that our entire country stands in awe of their acts of bravery and self-sacrifice. It was doubly tragic to see the loss of life in this accident and to know that it happened in an area where lives were just beginning to resume some sense of normalcy and then were so horribly disrupted again.

As I walked around the crash area with FEMA Director Joe Allbaugh yesterday, I was able to show him a neighborhood that I think came as a bit of a surprise. Joe has done a very good job, just a terrific job as our FEMA Director, in the time he has been in that position. He responded with just great dispatch and compassion to the World Trade Center attacks.

I think being in Lower Manhattan and seeing the community there was one view of New York. But being in Belle Harbor, seeing the single-family homes that could be found in so many other communities around our country, was a reminder of the diversity that is New York. We have so many different kinds of neighborhoods. Yet in every one of them we will find people who are stalwart, steadfast, and willing to work hard and play by the rules, and who oftentimes have contributed to the greatness of that city and, in turn, our State and country.

Senator SCHUMER, Congressman WEINER, and I will be asking FEMA to include this tragedy in Queens as part of the presidentially declared disaster. We believe the members of these affected communities, including the Dominican community in Washington Heights, Brooklyn, and elsewhere, and the Rockaway neighborhood where the plane fell to Earth, should have access to the disaster services they need and deserve.

Although all of us in New York and America experienced a terrible shock yesterday upon learning of the crash, we know there was one particular segment of our community that was very hard hit. Initial estimates indicate that anywhere from 150 to 175 of the passengers on board flight 587 were Dominican-Americans, or Dominicans. New York's Dominican community, which is centered in Washington Heights, is a strong and vibrant cultural sector tucked into northern Manhattan, almost on the opposite end of where the World Trade Center once stood.

Our Dominican community, with all of its excitement, its energy, its culture, and colorful history, has contributed greatly to the soul of New York City. Dominican-Americans have made many contributions to business and the arts, to labor and politics, and their contributions are really just beginning. They have also maintained strong ties with the Dominican Republic and the people who live there.

Although it is growing rapidly, New York City's Dominican community is renowned for its smalltown feeling in a city obviously famous for its huge size. But a tragedy such as the one that happened yesterday reverberated across the entire community because virtually everyone knows someone who has lost a loved one.

The community's response to this latest tragedy has been an outpouring of relief. We have seen that a crisis center for families has been already set up in Washington Heights. We have seen Dominican-American elected officials rallying around, serving their constituents. We know the kind of efforts that will be undertaken by the Dominican-American community will bring great comfort and support to those who have lost loved ones.

Now we have to do whatever we can as the larger New York and American community to stand with and support these families. I spent some time last night at the Ramada Inn, that was set up at JFK Airport for the families to come seeking information and help. It was a grueling and wrenching experience. Many of the families there lost not just one member but several. I met one young man who lost his wife, his daughter, and his mother-in-law because they were going to the Dominican Republic to attend the funeral of a relative.

I met another young man who proudly held the picture of his brother who had just gotten back from his tour of duty on the U.S.S. *Enterprise* in support of our efforts in Afghanistan. He had just come back home and was going down to see friends and relatives. His family was so proud of this young man who had served our country.

There are many stories such as that which we will hear over the days and weeks ahead.

Of course, all that any of us can do is to promise our support and whatever assistance is needed; to offer our thoughts and our prayers; to stand with the government and the people of the Dominican Republic for whom this is a profound and unsettling tragic occurrence; to demonstrate clearly in all that we do that we will stand in the face of whatever comes; that New Yorkers are neither daunted nor beaten down by the continuation of tragedy and challenge; and that our determined spirit as Americans remains undiminished.

I look forward to working with the administration and my colleagues in ensuring that these New Yorkers, like those who were affected on September 11, know that our country stands behind them and with them.

Thank you, Madam President.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that for the next 30 minutes we be in a period of morning business with the majority controlling 15 minutes and the minority controlling 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Madam President, reserving the right to object, I ask the assistant Democrat leader what the intention is at the conclusion of morning business.

Mr. REID. Madam President, at this stage, there is discussion between Senators DASCHLE and LOTT. They will decide within the next 30 minutes what is going out. I thought rather than bounce back and forth and asking permission to go to morning business that we should go off the bill for half an hour, go back to it, and maybe come back in the morning. The two leaders have been visiting. They will decide what is going to happen later tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Thank you, Madam President.

CONDOLENCES TO NEW YORKERS

Ms. STABENOW. Madam President, I rise for a moment to bring the best wishes and heartfelt condolences again to our colleagues from New York for this additional tragedy that has befallen them. All of my friends and family and the citizens of Michigan have their hearts going out to you. There has been such a difficult time for New York, as well as the entire country.

AIRLINE SECURITY AND THE STIMULUS PACKAGE

Ms. STABENOW. Madam President, I would like to share an experience this evening and commend a group of individuals who were involved in U.S. Airways Flight 969 last evening where I was a passenger going from Pittsburgh to National Airport. It was diverted into Dulles, as many of us have heard. There was a situation where someone stood up in explicit contradiction to the words from the pilot about what was to be done under national policy. Once you are within 30 minutes of Reagan National Airport, passengers are not under any circumstances to leave their seats. Unfortunately, this individual did and headed towards what appeared to be the cockpit.

I commend the air marshals who were on that flight. They responded with professionalism. They responded quickly with what appeared to be a threat to those of us who were on the flight.

I commend the pilot on U.S. Airways Flight 969 who responded with professionalism. He calmed what obviously was a potentially very confusing situation and what could have been great panic. This was the result of the pilot, the flight attendants, and the crew.

I would like to give my thanks and congratulations to everyone who was involved in this incident with the way they conducted themselves.

I was thinking as I sat in the 11th row and the B seat that this is an example of what could happen with national law enforcement officials professionally trained to do our airline security. It reaffirmed my commitment to the belief that we need to do what this Senate did 100 to 0, which is to pass a law that says those who look at the baggage and those who do the security checks of our carry-ons are professionally trained Federal law enforcement officials. I call on my colleagues to bring that bill back from the conference committee with that provision in it.

I don't believe there was a person on that plane last night who was not grateful for the fact that we had Federal law enforcement officials trained to protect the people on that plane; they responded professionally as Federal law enforcement officials.

Every day we are grateful to receive that kind of protection from our Capitol Police as well, and I think our families deserve to have that.

I encourage my colleagues to reflect on what is best for all Americans, and not what is best for the interests of one party or the other.

I can say with great confidence—and it was reaffirmed last night for me—that having Federal law enforcement officials who are trained both on the ground checking the baggage as well as on our airplanes is in the interests of all of our families.

I find it interesting now as we are grappling as a body of the Senate and the House and coming together as Americans to support the President; this is our team on the field. We are the team of Americans. The coach is the President, and we are all there together. We are supporting the President. We want him to be successful. We all need to be successful in fighting these terrorist attacks and making sure that our people are safe.

I think it is also important and it is our responsibility to be able to disagree about a particular play or a particular strategy when the team is on the field.

In this particular case, I urge the President to join us in embracing the principle that we should have Federal law enforcement security at every level of airport and airline security.

I also ask our colleagues to focus now as we stimulate this economy and put money back into people's pockets as well as homeland security. The time is now to act. We know that workers need assistance. We know the economy needs stimulus. The best way to do both of those is to provide relief to workers who need it the most. Economists across the country agree that providing relief to low- and moderate-income families is one of the most successful ways to stimulate the economy. Why? They will immediately take those dollars and go to the grocery store. They will buy shoes for their children who go to school. In Michigan they will go buy a winter coat. They may buy a new car, which we would also be very happy about in the State of Michigan.

People will turn those dollars around because they need to be able to live and to be able to care for their families. Studies have shown that every $1 invested in unemployment insurance for those who have lost their jobs because of September 11 or other downturns in the economy generates $2.15 in gross domestic product. Directly, we know that $1 generates $2.15.

So I hope this week we will embrace what the Democrats have porposed to stimulate this economy, to put money back in people's pockets, who will then use it to care for their families, to spend in the economy, and that we will invest in those critical homeland security measures that are absolutely necessary for us to move forward as a country.

This is an opportunity to get it right. This is an opportunity for us to take action, action to keep us safe in airports and on airlines, action to keep us safe whether it relates to bioterrorism or food safety or other critical measures that have been proposed for action by the Democratic caucus, and action as it relates to focusing on those who are unemployed and those who are low- and moderate-income families who need to have money in their pocket to help stimulate this economy.

The time to act is now. I call on my colleagues, this week, to put that at the top of the agenda for both of those items.

Madam President, I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

THE ECONOMIC RECOVERY BILL

Mr. BAUCUS. Madam President, I would like to speak a little about the stimulus economic recovery bill that is now pending, particularly from the point of view of what the provisions are that affect small business.

In the aftermath of September 11, it became clear that our economy generally was going to suffer. I remember reading an article. It was kind of stunning in a certain aspect; that is, if the terrorists were aiming the planes at the ''masters of the universe''—New York bond traders, and so forth—it did wreak tremendous devastation and tragedy for so many people who do trade in securities, but to an even greater degree it has affected the economic livelihood of small businesses, shop owners, different communities in the city of New York. It is middle-income and lower-income people, who live in New York and across the country, who are hurt the most, who are hurt more than higher income people.

The loss of life is beyond description. But, in addition, the economic devastation has hit small business more than it has hit big business. And small businesspeople have a much harder time adjusting than do big businesses. So for that reason, because we have limited resources, we want to make

sure we have a balanced solution that very much helps small business.

When the President spoke about an economic stimulus, he made three basic points. One, he wanted us to stimulate the economy. He suggested that it be short-term. He also suggested that any stimulus not have adverse long-term consequences on future budgets. These are principles with which we all agree.

Let me speak now about small business. We say this many times, and I think it is very important to say it again. Small business really is the backbone of America. More new jobs are created by small business than by big business. That is a fact. We tend to forget that. We read reports that such-and-such company is laying off so many people and another company is laying off another thousand people, or several thousand people. We hear that, and those are big companies that have lots of employees, and unfortunately they are laying off relatively large numbers. We don't hear a word about the mom-and-pop businesses in our communities that had to lay off a few people. It is happening all over the country. The numbers are so great. They are also the same businesses that create more jobs. They create more jobs than does big business.

Small business is also the genesis and the fountain of more business ideas. More business ideas are developed by small business than by big business. There is probably a reason for that. A small business has to fight to survive; the margins are so low. If you are opening up a small business, you have to pay that payroll tax the first day, even though you don't have any income. It is very tough. Lots of people have new ideas and they want to start a business. That is the American way.

It is critically important that we not lose sight of small business. In fact, I think we should help small business because in many ways it is the bedrock of our country. Here is what we have done. Let's look at some of the provisions of the bill. One is to increase the amount a business can expense. It is called section 179 of the Tax Code. That section allows businesses to expense rather than depreciate assets, right now, this year, instead of writing it off over a period of time. We increase the limit. By increasing that limit, small business can write off more and invest more than they otherwise could.

Section 179 of the code provides an exception to the normal depreciation rule. That is the limit that a small business can expense. It allows up to $24,000 in business purchases to be deducted in the year of purchase. The amount is reduced once a business makes $200,000 worth of purchases in a given year. That is not a lot of money, but that is the limit. We want to allow businesses to deduct more so they purchase more products upfront.

Increasing the amount that can be expensed is the simplest way to stimulate small business to try to expansion. It helps small business keep up with rapid growth and change in the technology sector by reducing the capital costs of the company.

The bill reported by the Finance Committee includes a provision that increases the amount a business can expense from $24,000 to $35,000 over a 12-month period. This also raises the maximum amount of qualified purchases from $200,000 to $325,000. This provision provides an immediate and focused stimulus. It is only available to companies purchasing equipment, and only if they make the purchases within a 12-month period. I might say that this is a bipartisan provision.

There are a lot of bipartisan provisions in this bill. We hear sometimes about the partisan provisions, but much more in this bill is more bipartisan than not. One is the rebate checks. Both sides agree to that. Both sides agree to the small business 179 expensing limit being raised. Both sides agree to bonus depreciation; it is just a question of how much. Both sides agree to extending unemployment compensation benefits; it is just a question of how much. Both sides agree that we should probably help the people who have lost their health insurance because they have lost their jobs.

Over the last year, more than half of the people who have lost their jobs as a consequence have also lost their health insurance. That is because most people who are laid off had health benefits as part of the job, but they don't anymore.

So this expensing is one of the other bipartisan provisions.

A couple of statistics about small business. In 1996, there were about 5 million corporations, partnerships, and sole proprietorships that had potential 179 investments. Of those 5 million, about 96 percent had gross receipts of $5 million or below. We are talking small business, not big business. Expanding the amount of investments these companies can make and expense immediately would give these small businesses real incentive to invest and give the economy a needed lift. In Lower Manhattan alone, there are between 14,000 and 16,000 businesses directly affected by the collapse of the Trade Towers. That is according to the Empire State Development Corporation. I daresay there are many more indirectly affected. It is estimated that as many as 105,000 businesses may ultimately be impacted directly or indirectly in New York as a consequence of the disaster of September 11. Those businesses need to bounce back, and this provision, along with other specific provisions in the bill, will go a long way to provide that assistance.

I might say that the 179 provision, where businesses can expense more, is not only targeted to New York, but to the whole country, because this economic downturn we are experiencing really began about a year or so ago, and it was accelerated by September 11; but the whole country has experienced an economic downturn. That is why this provision will help New York and also the rest of the country.

Madam President, I also believe that tomorrow morning, in the spirit of bipartisanship, we are finally going to sit down and work out an agreement on the stimulus/economic recovery bill. I think the leadership on both sides of the aisle is going to meet with senior tax-writing Senators and House Members and we are going to say: We have had our say, and each party scored its points. Now let's get on to business and do what the American people want—that is, write an economic recovery bill on a bipartisan basis as quickly as possible and help get this country moving.

As the President said recently, in reference to a fellow who helped prevent an airplane disaster in Pennsylvania when he said, ''Let's roll,'' I say to all my friends and colleagues that I very much hope tomorrow, when we have this meeting, we start to roll and put together a bipartisan bill. This section 179 small business expensing provision is one of many which I know we are going to agree to in helping our economy.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH INSURANCE FOR THE UNEMPLOYED

Mr. BAUCUS. Madam President, I want to speak a little bit about health insurance. As I mentioned before, our country's economic downturn has put millions of American workers and their families at risk.

The unemployment rate has increased by 25 percent over the same time last year. In October alone, we lost 415,000 jobs. That is 1 month alone. That is the highest single jump since 1980.

In addition to losing jobs and income, many Americans have lost their health insurance. Clearly, this is something we need to address. Health insurance is necessary because it gives us access to needed health care services and it gives families financial security from medical bills.

Uninsured workers and their families often delay or skip needed treatment. When they do seek care, they often end up heavily in debt. Many of us serving

in this body have encountered many people deeply in debt because of needed health care. Many families even go bankrupt as a result. In fact, half of all bankruptcies are a direct result of health or medical bills, not out-of-control spending by families.

I believe very strongly that giving laid-off workers assistance so they might keep their health insurance is of utmost importance. In my view, helping Americans who lose their jobs hold on to their health insurance is the right thing to do, not just for the families put at risk but for the economy as well.

Some critics have said we should include health insurance coverage in the economic stimulus package. Some say we should not. Some have gone so far as suggesting the President should veto a bill that includes these provisions. It is not stimulus, they say; therefore, the President should veto the bill. I have heard that many times from representatives of the President.

I am the first to admit the arguments that health care coverage is stimulative are not as strong as the arguments for some of the other provisions of the bill. For example, virtually everyone agrees unemployment insurance, while helping people supplement lost income, is also stimulative. In fact, the multiplier effect is $2.50 for every $1 spent on unemployment insurance. Nevertheless, there are several reasons I believe health care does represent stimulus, and I would like to review them for my colleagues and for the benefit of the critics.

First, the rate of health insurance coverage is sensitive to economic conditions. Over the past several years, a strong economy has helped to moderate the growth of the uninsured population. The number of uninsured Americans has been growing. In the past several years, the strong economy has helped moderate that growth of uninsured population. Many employers use health care benefits as a way to attract and keep workers in a competitive market.

During the same period, we created CHIP, the Children's Health Insurance Program, to make health insurance coverage available to more children. In times of recession, though, things are much different. Simply put, a downturn in the economy means many more people go uninsured. Employer-sponsored insurance declines, and States struggle to pay their share of the cost of public programs, such as Medicaid and CHIP. I know that is true in my State.

According to a recent study, a 2-percent increase in unemployment will lead to an additional 3.2 million people eligible for Medicaid. That means the October jump in the unemployment rate alone will lead to an additional 800,000 people on Medicaid.

We do not need a report to tell us this. We know this from past experience. In the recession of the early 1990s, more than half of the workers who lost their jobs became uninsured. Let me repeat that. In the recession of the nineties, more than half of the workers who lost their jobs also as a consequence became uninsured. We cannot let that happen again.

Second, personal spending on health care means less consumer spending. Families with health insurance are able to spend more on other priorities. Families without health insurance spend more out of pocket on health care, making it harder for them to spend on other things.

A study by the Kaiser Family Foundation tells us that nearly one in five uninsured cannot meet their essential expenses. Nearly one in four uninsured cannot pay their full gas, electric, or oil bills; one in seven persons who do not have health insurance cannot pay their full rent or mortgage.

Third, States are facing serious fiscal problems. State budgets are more unstable in the wake of the September 11 attacks. Revenues are declining while the need for spending on important programs is increasing. Sales tax revenues have dropped in States that rely on tourism at the same time disaster relief efforts and unemployment are increasing.

Last month, the Washington Post reported a number of States particularly hard hit by the recession are already calling special legislative sessions and taking dramatic action to reduce spending. Many of these States are thinking about making reductions in Medicaid benefits or cutting eligibility to alleviate budget pressures, despite the fact that more people will likely be turning to States for help with health insurance.

Putting money into the health care system, which represents 13 percent of the national economy and employs millions of people, will itself stimulate the economy. This is particularly true in rural areas where the local hospitals are often the biggest employer.

Including health insurance in an economic stimulus package is of critical importance both to the economy and to the American people.

What about the specifics of my proposal? The health provisions in my package are short term; they are temporary. My bill provides direct subsidies to the purchase of private COBRA coverage. It would give a 75-percent Federal premium subsidy for those eligible for COBRA coverage. Anyone who lost their job after September 11 would be eligible to receive this assistance for up to 12 months. The program would be strictly short term and would end December 31, 2002.

Why focus on COBRA? Because COBRA coverage was specifically designed to help workers maintain their health coverage when they change or lose their jobs. Unfortunately, though, this coverage is very expensive: $2,600 a year for individuals and a full $7,000 for families. That is almost $600 a month for family coverage.

Consider the average unemployment check is just over $800 a month, and one realizes why fewer than 20 percent of displaced workers actually sign up for COBRA. It is just too expensive. They cannot afford it.

According to the Congressional Budget Office, the COBRA subsidy will help up to 7 million Americans hold on to their health insurance even after they lose their jobs. But COBRA subsidies will not help everyone who loses their job. It will not help those who are not eligible for COBRA either because they worked for a small employer who is exempt from COBRA or that firm went bankrupt.

To help those workers, my bill also includes a short-term, temporary Medicaid option for individuals and families who are not eligible for COBRA. This is a State option. It is up to the States. They can decide. I propose to give States an enhanced matching rate to encourage States to adopt this new coverage option.

Like the COBRA subsidies, this coverage is available to people who become unemployed after September 11 this year, and like the subsidies, Medicaid coverage will be available for 12 months.

Some say that States cannot afford to take up this option, even with an increased Federal match. I understand that. That point is well taken, and it is one of the reasons I am also proposing to increase the matching rate for Medicaid. By giving States a higher Medicaid match, an F-match, as it is called, States will have an easier time maintaining coverage.

The additional funding may give the States what they need to take up the new coverage option for displaced workers. All told, this may maintain health coverage for millions of people who have lost their jobs or stand to lose them in the difficult months ahead.

I have also heard critics argue my proposal is an indirect way to establish a new entitlement program. It is not. That is not the intention. We are responding to a temporary crisis with a temporary solution. All coverage, whether received through corporate or Medicaid, will be provided on a temporary basis. The program ends after 1 year. It is in the law, black and white, underlined. It is there. It ends in 1 year.

Critics argue the COBRA Program and Medicaid coverage will be slow and cumbersome to implement. First, I disagree. I think we can get the program up and running in short order but not if we wait 6 months for new regulations to be published. My proposal specifically states the program should be implemented regardless of whether a final

rule has been published. That is not new. It is not unusual. It is a step that is taken in times of emergency, and I argue the current economic situation dictates we are in such an emergency.

Let us also be candid. There are several competing proposals to provide temporary health care coverage, and they all raise the same issues. Whether we are talking about direct payments, COBRA, tax credits, as some propose, or block grants to States, as the President has suggested, we have to come up with a system that works quickly and works efficiently.

I say let us work on solving these implementation issues together rather than trying to undermine each other or pointing fingers and saying it cannot be done.

Let me conclude by reiterating how important health care coverage is to Americans and how devastating it can be for a family to lose its coverage. I believe the package of health proposals I have put together will go a long way toward helping those who are truly in need. It will also provide a quick, temporary boost to the economy.

I realize not everyone agrees with our approach, but I do hope we all can agree health insurance coverage is a crucial element of any economic stimulus package. It is the right thing to do, and it is good policy.

I look forward to working with all my colleagues to reach an agreement that keeps our primary goals in mind; that is, stimulating the economy and helping American families.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. I ask unanimous consent there be a period of morning business with Senators allowed to speak for a period not to exceed 10 minutes.

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

VA–HUD APPROPRIATIONS

Mr. ROCKEFELLER. Madam President, I was proud to support the entire VA–HUD Appropriations conference report yesterday, including its vital investments for our Nation's veterans. Chairperson MIKULSKI and Ranking Member BOND work hard each and every year to provide investment in a wide range of important agencies and programs, ranging from veterans, to housing, to the National Science Foundation.

This year I am particularly proud of a new investment within the National Science Foundation, NSF, to promote math and science education. Two new programs have been funded: the Mathematics and Science Partnerships program and the Noyce Scholarships worth $165 million.

Our elementary and secondary students are currently sadly lacking in their mastery of technical subjects. Although our 4th graders are on a par with the rest of the world, by the time they reach the 12th grade they are in the bottom half of countries of the world. This is an intolerable situation. Our United States students come to college ill equipped to study mathematics, science, and engineering. The partnerships and scholarships funded in this package offer the promise of substantial improvement in the performance of our students.

Under the Mathematics and Science Partnerships programs, universities, businesses, and local educational institutions will form partnerships to develop new programs to teach these subjects. These programs will be watched and evaluated and those that are successful will be incorporated into the mainstream of K–12 education.

The Noyce Scholarships will address a different problem. One of the best predictors of student performance is the quality of the teacher. Too many of our teachers of technical subjects are not well qualified. The scholarships will remedy this situation by supporting students of technical subjects who agree to teach two years for every year of support. This will ensure that many of our urban and rural schools that are particularly in need of good teachers will obtain relief.

President Bush proposed the math and science partnerships in his budget. Working with Senators KENNEDY and ROBERTS, I sponsored legislation in the Senate to authorize the Partnerships and the Noyce Scholarships. The House of Representatives has already passed a similar measure introduced by Congressman BOEHLERT. The VA–HUD appropriations package provide the first year of funding and the down payment to start these key programs to improve math and science education, and invest in our future.

I appreciate the support of my colleagues for the entire package, and I am especially pleased about these new investments in math and science education which represent such promise for the future.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 18, 1999 in West Hollywood, CA. Three men attacked two transgendered women with aluminum baseball bats. The assailants yelled anti-gay epithets during the attack. One of the victims required hospitalization for a head injury.

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.

CARGO LIABILITY REFORM

Mr. SMITH of Oregon. Madam President, today I take notice of a recent positive development in the creation of a more modern legal regime for international shipping. I was very pleased to see that America's importers and exporters and the ocean carriers that transport America's international trade reached agreement last month on the form and substance of international cargo liability reform.

While this is a field with which most of us are at best only vaguely familiar, it has been the subject of intense debate in maritime circles for many years. In fact, draft reform legislation proposed by the Maritime Law Association of the United States was the subject of a hearing in the Senate Commerce Committee in 1998. Similar draft legislation was also reviewed by the Subcommittee on Surface Transportation and Merchant Marine during the last Congress under the leadership of Senator KAY BAILEY HUTCHISON. Because of the inability of the commercial parties to agree on how or whether to proceed with such a proposal, however, the legislation was never introduced.

Last month, the World Shipping Council, representing the ocean shipping companies serving America's foreign trades, and the National Industrial Transportation League, representing American importers and exporters, announced that they had reached agreement on cargo liability reform. They issued a joint statement outlining their agreement and pledged to work through the process to be established by the U.N. Commission on International Trade Law, (UNCITRAL), to assist in the development and ratification of a new international cargo liability convention. The goal of this effort is to produce an internationally acceptable instrument that can be ratified by the United States and our trading partners.

Most parties are in agreement that the U.S. law governing cargo liability, which dates back to 1936, can benefit from being updated, ideally in the context of a uniform international legal regime. What they have not been able

to agree on, until now, is what real reform should look like.

The shippers and carriers have also agreed on a reasonable timetable for pursuing an international solution, and the shippers will forego their push for U.S. legislation so long as the international process produces an acceptable convention within this timeframe.

I commend the carriers and shippers for agreeing to set aside their decades of differences on this issue and for trying to help produce an agreement that can be adopted by the United States. I also want to commend my colleague, Senator JOHN BREAUX, for his interest and leadership on this very important issue. As the ranking Republican on the Senate Subcommittee for Surface Transportation and Merchant Marine, which Senator BREAUX chairs, I will work closely with him to keep a watchful eye on this process and to consult with the World Shipping Council and the NIT League, as well as with all other interested parties over the next few years to receive progress reports.

I would also encourage the State Department, the Department of Transportation and other agencies within the U.S. Government that may be involved in the multilateral negotiating process to consult regularly with the commercial parties and include them directly in the intergovernmental process.

As you can tell, I have two critical goals for this process: one, I want all relevant parties to work together for a commercially and politically-acceptable agreement for our trading partners; and, two, I want the U.S. Government to be a helpful and productive partner in this process. While these negotiations go on, I will be monitoring things closely, and hope that a positive international agreement can come together in the not-too-distant future.

THE AMERICAN SMALL BUSINESS EMERGENCY RELIEF AND RECOVERY ACT OF 2001

Mr. KERRY. Madam President, I want to submit for the RECORD a managers' substitute amendment to S. 1499, the American Small Business Emergency Relief and Recovery Act of 2001, which incorporates a number of improvements to the emergency relief provided by the bill as introduced. Senator BOND and I have been trying to bring this up before the full Senate, but, for almost one month since October 15, two senators have been blocking its consideration and passage.

The Kerry-Bond bill is a fiscally responsible and measured response to help small businesses that are struggling because they were affected by the attacks on September 11 or because they can't get loans or venture capital from traditional private-sector lenders and investors who are pessimistic about the economy. This legislation makes loan capital and business counseling available to the small businesses in all of our States, and it does so by tailoring many of the Small Business Administration's, SBA, programs.

Let me draw your attention to changes included in the managers' substitute amendment:

One. For businesses located in a declared disaster area or at an airport, or for small businesses that were closed or suspended for related national security reasons by Federal mandate, they may use the disaster loan proceeds to refinance any existing business debt within the bill's loan caps. For one year after approval of such refinancing, principal payments on such refinancings will be deferred and the small business will be required to make interest only payments. Full payments will resume at the end of that year.

Two. For emergency relief loans under section 7(a) of the Small Business Act, the guaranteed percentage was reduced from 95 percent to 90 percent in response to the Administration's concerns that the government's risk was too high at 95 percent.

Three. The size standard applicable for travel agencies with respect to disaster loans and emergency 7(a) loans under the managers' amendment is increased from $1 million to $2 million in average annual receipts.

Four. The SBA Administrator's authority to waive or increase size standards and size regulations is applied to both disaster loans and emergency 7(a) guaranteed loans.

Five. In order to encourage lenders to make the emergency and regular 7(a) loans to small businesses adversely affected by the effects of the terrorist attacks of September 11, 2001, the managers' amendment reduces the on-going lenders' fee from one-half of 1 percent to one-quarter of 1 percent.

Six. The requirement of non-Federal match is waived for the Women's Business Centers program with respect to individualized assistance authorized under this Act.

Seven. It requires the SBA to report to the pertinent House and Senate Committees periodically on its implementation of this legislation.

Eight. The managers' amendment increases the authorization levels for the 7(a) and 504 programs by $2 billion each, and for the Small Business Investment Company participating securities and debentures programs by $700 million and $200 million, respectively, to accommodate increased demand anticipated in the wake of the terrorist attacks of September 11, 2001.

Nine. In the loan term provisions for emergency 7(a) loans, a cap of $3 million was added for the ''gross amount of the loans.'' This clarifies that the other stated caps apply to the SBA-guaranteed portions of the loans.

Ten. To make clear that Congress expects the SBA to implement these emergency relief provisions as quickly as possible, a section was added requiring SBA to issue interim final rules and implementing guidelines within 20 days of the date of enactment of this legislation.

Eleven. Under the 7(a) stimulus loans, the managers' amendment reduces by half the upfront guarantee fee paid by the borrower, and it establishes a guarantee percentage of 85 percent on all such loans.

Twelve. Under 504 stimulus loans, the managers' amendment reduces by half the annual guarantee fee paid by the borrower, currently .41 percent, and retains the upfront bank fee of 50 basis points, .50 percent.

These are important changes that Senator BOND and I have worked out to make a good bill better. I am very pleased that the Chairman of the House Committee on Small Business, Congressman DON MANZULLO, and Congressman JIM MORAN introduced a bill identical to our managers' amendment on November 6 and appreciate their cooperation throughout this process.

ADDITIONAL STATEMENTS

THANK YOU TO STAFF FOR PUBLIC SERVICE

• Mr. CLELAND. Mr. President, times of adversity have always been fertile soil in which to find triumphs of the human spirit. As an old English proverb so eloquently put it, ''A Smooth sea never made a skilled mariner. Trials are not enemies of faith but are opportunities to prove God's faithfulness.''

The events of Tuesday, September 11 will never be forgotten. Nor will we forget how this Nation has changed since that fateful day. In the weeks since the horrendous attacks on our country, there has been no shortage of stories about the heroic acts of everyday men and women who put their own lives on the line to help others. By now we've all heard the story of United flight 93 that crashed in rural Pennsylvania. By all accounts, the passengers, after discovering their hijackers sinister plan, rushed the cockpit and sacrificed their own lives in saving people on the ground. These were regular citizens placed in an unimaginable situation. They saved people, likely right here in this building, who never knew they were in danger.

But then we know that whenever times have gotten tough in this country, Americans have always stepped up to answer the call. We remember the story of Clara Barton, a woman who learned about medicine, and rushed to the battlefields of the Civil War to tend to the wounded. There were also the women who filled factories and other places of business during World War II when their husbands, fathers, and brothers left to fight. These women did

what, at the time, had never been done before. They provided needed support, and carried our country during an unparalleled time of need.

Books of American history are full of stories about ordinary people accomplishing unbelievable things. The pages about today's events still awaiting the ink of hindsight will be no different. I would like to say now, that the men and women who work on Capitol Hill will be among the heroes history will remember.

I have been amazed at the strength of the men and women, many of them recently graduated from college, on my staff who have come to work every day since the attacks, prepared and ready to serve their country in the face of possible terrorist attacks or biological warfare. These men and women have risen to the occasion and answered the call of duty. Our interns, on their tour of duty in our Nation's Capitol without pay and far from home, come each day ready to work and willing to serve. Even when the Capitol complex was shut down, the 26,000 men and women who work in the six House and Senate office buildings scrambled to find alternate workspace and were always on call.

These attacks have left us feeling afraid and violated, but, my friends, our Nation has never been stronger. If that fact is ever doubted, just look up to the windows of the Dirksen Building with a flag in almost every window. Go to the offices of members whose colleagues continue to be displaced due to anthrax closings where they share conference rooms, computers and phone lines, all in the name of doing the business of the American people. If the attackers plan was to drive us apart, they have failed. I would like to thank each member of my staff for their service to me, and to this great country.

At this time I would like to place into the RECORD the names of the men and women on my staff who have served in the aftermath of the September 11 attacks.

Cooper Allen, Michael Andel, Daniel Barton, Krista Boyd, Macio Cameron, Amanda Cooper, Adel Durani, Eric Easley, Eileen Force, Elizabeth Gladden, Charlie Godwin, Lori Gregory, Marilouis Hudgins, Elaine Iler, Farrar Johnston, Bill Johnstone, Tamara Jones, Lynn Kimmerly, Jamie Mackay, Neil Martin, Glen Marken, Matt McKenna, Patricia Murphy, Mark Pascu, Michel Pearis, Allison Priebe, Simon Sargent, Mark Stedham, Jane Terry, Steve Tryon, Donni Turner, Andrew Van Landingham, Charlotte Voorde, Derek Walters, and Adnan Zulfiqar.●

NATIONAL OSTEOPATHIC MEDICINE WEEK

● Mr. BOND. Mr. President, November 11–17 is National Osteopathic Medicine Week, a week when we recognize the more than 47,000 osteopathic physicians, D.O.s, across the country for their contributions to the American healthcare system. This year, we celebrate D.O.s commitment to preventative medicine and end-of-life care. I am especially pleased these festivities are taking place in my home State of Missouri.

During National Osteopathic Medicine, NOM, Week, D.O.s and patients celebrate the benefits of preventative health care by looking at the simple things that can be done to live healthier lives. As physicians who treat people, not just symptoms, the nation's D.O.s are dedicated to helping maintain health through a whole-person patient-centered approach to healthcare. And, within that principle, they recognize death as the legitimate endpoint to the human lifecycle and respect the dignity and special needs of both patients and caregivers.

During NOM Week, D.O.s across the country will explore multidisciplinary perspectives on end-of-life care, the ethical debate of pain management and physician-assisted suicide and ways to remove communications barriers in the physician-patient relationship at end of life. Activities also educate Americans about end-of-life care and related topics, such as advances in pain management, cultural sensitivities toward final stages of life, organ donation, advance directives, and end-of-life care options and financing.

For more than a century, D.O.s have made a difference in the lives and health of my fellow citizens in Missouri as well as all Americans. Overall, more than 100 million patient visits are made each year to D.O.s. Osteopathic physicians are committed to serving the needs of rural and underserved communities and make up 15 percent of the total physician population in towns of 10,000 or less.

D.O.s are certified in nearly 60 specialties and 33 subspecialties. Similar to requirements set for M.D.s, D.O.s must complete and pass: 4 years of medical education at one of 19 osteopathic medical schools; a 1-year internship; a multi-year residency; and a State medical board exam. Throughout this education, D.O.s are trained to understand how the musculoskeletal system influences the condition of all other body systems. Many patients want this extra education as a part of their health care. Individuals may call 866–346–3236 to find a D.O. in their community.

In recognition of NOM Week, I would like to congratulate the over 1,700 D.O.s in Missouri, the 616 students at the Kirksville College of Osteopathic Medicine, 871 students at the University of Health Sciences College of Osteopathic Medicine and the 47,000 D.O.s represented by the American Osteopathic Association for their contributions to the good health of the American people.●

TRIBUTE TO MAJOR DAVID B. CHANDLER

● Mr. HUTCHINSON. Mr. President, I rise today to recognize Air Force Major David B. Chandler for his service as my military fellow this past year. I commend Major Chandler for his performance, and express my appreciation to him for all his efforts and dedication.

Major Chandler's leadership ability shined throughout his fellowship. During a very busy and challenging year for the Senate, Major Chandler handled a new Congress, a new administration, confirmations, a compressed defense authorization process, and finally, the tragic events of September 11. His composure in the face of all these challenges ensured timely inputs to me, my staff, and to the people of the great State of Arkansas.

He served as one of my key advisors on a variety of national security issues. Major Chandler's efforts with the bipartisan, bicameral C–130 Caucus resulted in a modernization plan supported by members of Congress from 27 States. He assisted me in my duties on the Senate Armed Services Committee, especially relating to my role as the ranking Republican on the Personnel Subcommittee. His hard work was greatly appreciated during Senate deliberations on the FY02 Defense Authorization bill.

Major Chandler has been a credit to the Air Force Legislative Fellows program. The Air Force should be very proud of his service this past year. Certainly, I will follow the development of Major Chandler's career with pride. My appreciation and best wishes go with him, his wife Sheri, and their daughter Shelby.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 6:43 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. 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.

The following enrolled bill, previously signed by the Speaker of the House, was signed today, November 13, 2001, by the President pro tempore (Mr. BYRD):

H.R. 768. An act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 727: A bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools.

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. BROWNBACK:

S. 1675. A bill to authorize the President to reduce or suspend duties on textiles and textile products made in Pakistan until December 31, 2004; to the Committee on Finance.

By Mr. KERRY:

S. 1676. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small business, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1677. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to create a safe harbor for retirement plan sponsors in the designation and monitoring of investment advisers for workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE):

S. 1678. A bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence; to the Committee on Finance.

By Mr. CONRAD:

S. 1679. A bill to amend title XVIII of the Social Security Act to accelerate the reduction on the amount of beneficiary copayment liability for medicare outpatient services; to the Committee on Finance.

By Mr. WELLSTONE:

S. 1680. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide that duty of the National Guard mobilized by a State in support of Operation Enduring Freedom or otherwise at the request of the President shall qualify as military service under that Act; to the Committee on Veterans' Affairs.

By Mr. JOHNSON (for himself, Mr. WELLSTONE, Mr. HARKIN, Mr. DASCHLE, and Mr. DORGAN):

S. 1681. A bill to establish the Northern Great Plains Rural Development Authority; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 178. A resolution congratulating Barry Bonds on his spectacular record-breaking season in 2001 and outstanding career in Major League Baseball; to the Committee on the Judiciary.

By Mr. BOND:

S. Res. 179. A resolution to express the sense of the Senate regarding ensuring quality healthcare for our nation's veterans; to the Committee on Veterans' Affairs.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, and Mr. HELMS):

S. Res. 180. A resolution expressing the sense of the Senate regarding the policy of the United States at the 17th Regular Meeting of the International Convention for the Conservation of Atlantic Tunas in Murcia, Spain; considered and agreed to.

By Mr. BENNETT (for himself, Mr. HATCH, Mr. DODD, Mr. MCCONNELL, and Mr. STEVENS):

S. Con. Res. 82. A concurrent resolution authorizing the 2002 Winter Olympics Torch Relay to come onto the Capitol Grounds; considered and agreed to.

By Mr. BROWNBACK (for himself and Mrs. CLINTON):

S. Con. Res. 83. A concurrent resolution providing for a National Day of Reconciliation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 142

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 142, a bill to amend the Packers and Stockyards Act, 1921, to make unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 280

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 280, a bill to amend the Agriculture Marketing Act of 1946 to require retailers of beef, lamb, pork, and perishable agricultural commodities to inform consumers, at the final point of sale to consumers, of the country of origin of the commodities.

S. 905

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 990

At the request of Mr. SMITH of New Hampshire, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1214

At the request of Mr. HOLLINGS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1396

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1396, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time homebuyer.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1498

At the request of Mr. LIEBERMAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1498, a bill to provide that Federal employees, members of the foreign service, members of the uniformed services, family members and dependents of such employees and members, and other individuals may retain for personal use promotional items received as a result of official Government travel.

S. 1552

At the request of Mr. HARKIN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1552, a bill to provide for grants through the Small business Administration for losses suffered by general aviation small business concerns

as a result of the terrorist attacks of September 11, 2001.

S. 1563

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1563, a bill to establish a coordinated program of science-based countermeasures to address the threats of agricultural bioterrorism.

S. 1578

At the request of Mr. DORGAN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Washington (Mrs. MURRAY), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1578, a bill to preserve the continued viability of the United States travel industry.

S. 1594

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1594, a bill to amend the Public Health Service Act to provide programs to improve nurse retention, the nursing workplace, and the quality of care.

S. 1660

At the request of Mr. JEFFORDS, the names of the Senator from Arizona (Mr. KYL), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1660, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. CON. RES. 66

At the request of Mr. STEVENS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Con. Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK:

S. 1675. A bill to authorize the President to reduce or suspend duties on textiles and textile products made in Pakistan until December 31, 2004; to the Committee on Finance.

Mr. BROWNBACK. Madam President, today I rise to introduce the Pakistan Emergency Economic Development and Trade Support Act. This legislation will provide the President with the authority to reduce or suspend any existing duty on imports of textiles and textile products that are produced or manufactured in Pakistan. This Act is vitally important to shore up the economic strength of our strategic ally, Pakistan, so central to our Nation's ability to continue to prosecute the war against terrorism.

Currently, Pakistan is providing invaluable basing rights and intelligence assistance to the United States as we continue to degrade and dismantle the Taliban regime in Afghanistan. Taking this action against the Taliban is crucial if we are to successfully locate and destroy Osama bin Laden's al Qaeda terrorist network, which the Taliban is currently harboring within Afghanistan's borders. Al Qaeda continues to represent public enemy number one in the war against terrorism.

Pakistan's bold stand against terror alongside the United States is not made in a vacuum. There are very real economic and social consequences in Pakistan for assisting the United States in our war effort, and it would be a failure of United States foreign policy not to pursue the means of assisting our ally in its time of need.

Textiles and textile products are Pakistan's main export. As a result of the war effort, invaluable orders for textile products made and exported by Pakistan have been canceled due to perceived instability in the region and a lack of confidence that such orders will ultimately be delivered. According to the Pakistan Textile and Apparel Group, Pakistan has witnessed a 64 percent reduction in orders for clothes that would be made from December through February by the 14 largest apparel factories in Lahore, Karachi, and Faisalabad. As a result, employment in these factories has dropped 32 percent from a year ago. The Pakistani government has estimated the overall decline in orders at 40 percent. This has very real consequences for the future of Pakistan, its stability, and its ability to forge a future of economic prosperity for its people.

As we are all aware, a small yet very vocal fundamentalist Islamic minority within Pakistan which has spoken out against the Pakistani government's assistance to the U.S., has called for and implemented damaging general labor strikes, and has encouraged countless numbers of young Pakistanis to cross the border into Afghanistan to fight alongside the Taliban. A further weakened economy and increased unemployment, the clear results of a weak market for Pakistani textile exports, only adds to the influence of fundamentalists in Pakistan, by strengthening social and economic unrest on which fundamentalists prey.

Currently, the Pakistani government is devoting much needed resources to innovative and existing human development programs inside the country. Pakistan is spending a full 2 percent of its gross domestic product, approximately $2 billion per year, on a program that combines improved primary education, basic health care, and skills training for income generating activities for the Pakistani people. Pakistan's efforts to utilize human development programs to lift up the Pakistani people are central to stemming the tide of fundamentalist elements in our ally. An already weakened economy, hampered by years of sanctions, combined with increased unemployment only serve to add to existing social dissatisfaction and civil unrest within Pakistan. This undercuts the valuable impact of human development on Pakistan, makes increasing these human development efforts far more difficult, and jeopardizes the long-term stability of our ally.

As a weakened market for Pakistani textile exports ultimately renders human development programs within Pakistan less effective, especially the primary education element, young Pakistani's are faced with the prospect of no education and therefore no quality employment. An all-to-frequent alternative to this prospect is for young Pakistani's to attend Madrasas, Islamic religious schools run by mullahs, where too often basic skills and primary education are supplanted by religious teachings used to indoctrinate young Pakistani's into following the perverted version of Islam followed by Osama bin Laden, al Qaeda, and the Taliban.

I urge all of my colleagues to work with me to provide the President with authority to assist Pakistan in the textile market immediately. Such action is vitally important to the stability of our important ally, and victory in our Nation's war against terrorism. Failing to take quick action only strengthens our enemy.

By Mr. KERRY:

S. 1676. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small business, and for other purposes; to the Committee on Finance.

Mr. KERRY. Madam President, today I am introducing a package of targeted, affordable tax relief provisions designed to help the Nation's small businesses during this time of economic distress. While the Finance Committee has recently reported a more general stimulus bill to the full Senate, that measure only contains a few items that will help small businesses, which are the lifeblood of our Nation's economy, creating the majority of new jobs. As the Chairman of the Senate Committee on Small Business and Entrepreneurship, I believe that I have an obligation to do more for small businesses, and I hope that several of the provisions in my bill may be accepted by the Finance Committee's Chairman and Ranking Member as the stimulus bill nears Senate passage.

As many of my colleagues are aware, I have also introduced an emergency small business relief bill, S. 1499, which

would provide assistance to small business concerns adversely impacted by the terrorist attacks of September 11. That bill currently has 51 cosponsors, including 15 Republicans. S. 1499 provides loan and investment assistance, as well as other programmatic relief, to small businesses impacted by the attacks, but it does not contain tax provisions. I am introducing this new bill today to complement what I have tried to accomplish with S. 1499. Given that my emergency bill has such widespread support, I plan on offering it as an amendment to the economic stimulus package when it reaches the Senate floor, and I hope that it will be added to the package before it reaches the President's desk. This important legislation has been held hostage to someone else's political agenda for too long one way or another, it's important that we pass it and achieve the agenda of small businesses hurting across this country.

I have titled the bill that I am introducing today ''The Affordable Small Business Stimulus Act of 2001.'' Before outlining the contents of the bill, I want my colleagues to know why I have selected this ''affordable'' approach.

During this session of Congress, some in Congress have supported what I might call the ''kitchen sink'' approach. It includes everything on small business's tax wish list, often also including a number of items that do not directly relate to small business, such as a complete repeal of the individual Alternative Minimum Tax. As a result, that approach is very expensive, and not something that could be enacted today given the changed budgetary situation and the fact that we are at war.

I call my bill an ''affordable'' stimulus package for small business because it is very targeted in the policies that it includes, and, as a result, it will spend our limited resources wisely. It does not include everything that I would like to do for small business on the tax side, but it includes enough to help stimulate this essential component of our economy. Moreover, the bill will help address the tax complexity that many small businesses face because it includes the Single Point Tax Filing Act that has passed the Senate on two previous occasions.

Let me briefly explain the contents of my bill.

First, as in other Senate proposals, my bill increases the expensing limitation for small businesses. My bill raises it to $35,000, and it increases the phase-out level, above which expensing is not allowed, to $350,000. The stimulus package that I recently voted for in the Finance Committee temporarily increased these amounts to $35,000 and $325,000, respectively. The increases in my bill, however, would be permanent, and both the $35,000 and $350,000 limits would be increased annually for inflation beginning in calendar year 2003.

Second, my bill modifies and expands a provision that was signed into law in 1993 regarding new equity investments in small businesses' stock. Under my bill, new investments in companies with capitalization of up to $100 million at the time of investment will have a 75 percent capital gains exclusion if the investments are held at least three years. The exclusion for such investments will be 100 percent if they are made in a business involved in ''critical technologies,'' as defined by the Commerce Department, or in technologies related to transportation security, personal identification, anti-terrorism, pollution minimization, remediation, or waste management. The 100 percent exclusion would also be allowed for investments in specialized small business investment companies, or SSBICs, which are private venture capital companies licensed by the SBA whose investments are made solely in disadvantaged small businesses. Both the 75 and 100 percent exclusion levels would be available for investments made by both individuals and corporations. In addition, the rollover period for such investments would be increased from 60 days to 180 days. The provision passed in 1993 was too narrow, and I hope that this new, expanded capital gains treatment will help prompt new investments in small and entrepreneurial businesses.

Third, my bill recognizes that the current depreciation schedules for high-tech equipment and software are out of date, given how quickly such items become obsolete in our fast-changing economy. My bill would reduce the recovery period for computers or peripheral equipment from five years to three, and for software from three years to two. This change would be permanent.

Fourth, my bill would make the health insurance expenses of the self-employed fully tax deductible. Under current law, 60 percent is deductible in 2001, 70 percent in 2002, and 100 percent in 2003. My bill would speed up the 100-percent deductibility to this year.

Fifth, to simplify tax filing, my bill would include the Single Point Tax Filing Act. This section would simplify the tax filing process for employers by allowing the Internal Revenue Service and State agencies to combine, on one form, both State and Federal employment tax returns. This provision has been passed by the Senate twice before, but it has not yet become law. There is currently a demonstration project along these lines in Montana, which is working very well. I believe such authority should extend to all States.

Sixth, my bill would extend the existing income averaging provisions to cover fishing as well as farming. In other words, the choice to average income from a farming trade or business under present law would be extended to cover income from the trade or business of fishing as well. Under my bill, a farmer or fisherman electing to average his or her income would owe the alternative minimum tax, AMT, only to the extent he or she would have owed AMT had averaging not been elected. This is an important change that will benefit not only people in my State, but also throughout New England and in other regions of the country where fishing is an important industry.

Finally, my bill would modify the tax treatment of investments in debenture small business investment companies, or SBICs, so they are less likely to create unrelated business taxable income, UBTI, liability. The current tax treatment of money borrowed from the government by a debenture SBIC creates taxable income for an otherwise tax-exempt investor, which makes it almost impossible to raise capital from these investors. Free to choose, tax-exempt investors opt to invest in venture capital funds that do not create any UBTI liability. Therefore, my bill would assure that money borrowed from the government by an SBIC does not subject tax-exempt investors to UBTI. In so doing, the bill would encourage greater investment in SBICs, which provide critically needed venture capital to emerging small businesses. These venture capital funds are sorely needed in today's stalled economy.

I believe that ''The Affordable Small Business Stimulus Act of 2001'' will provide a much-needed stimulus to small business in a way that we can afford. I look forward to working with the Chairman and Ranking Member of the Finance Committee to have some or all of its provisions enacted into law.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1677. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to create a safe harbor for retirement plan sponsors in the designation and monitoring of investment advisers for workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Madam President, I rise today to introduce legislation with my colleague from Maine, Senator COLLINS, that will significantly help employees get better advice on how to invest their 401(k) plans. The Independent Investment Advice Act of 2001 removes an existing impediment that prevents employers from offering this needed information to their employees. This legislation was carefully prepared with input and consultation with affected groups and interested stakeholders and is supported by the American Association of Retired Persons, AARP, the American Society of Pension Actuaries, ASPA, Committee on Investment of Employee Benefit Assets, CIEBA, the Financial Planning

Association, FPA, and the Small Business Council of America, SBCA.

Over the past several years, the demand by 401(k) plan participants for individualized investment advice has been growing, yet less than a third of employers offer this service. Primarily, employers do not offer this invaluable resource due to concerns about being responsible and ultimately liable for the selection and monitoring of an investment adviser. In general, current law relieves employers of their liability for the actual investment decisions made by their employees in a 401(k) plan. It is therefore illogical to make employers liable for providing their employees with sound, independent investment advice when we have intentionally shifted the burden to employees to invest their retirement funds wisely. The creation of a safe harbor for offering qualified independent investment advisers will remove this inconsistency and facilitate the flow of reliable, informed advice to employees.

The Independent Investment Advice Act of 2001 creates a safe harbor for plan sponsors by giving them clear guidance as to what is necessary to ensure that they will not have liability for the selection and monitoring of qualified investment advisers. Employers will be deemed to have satisfied their fiduciary responsibilities under ERISA with respect to the selection and monitoring of qualified investment advisers, provided they meet the following strict criteria.

First, the employer must contract with qualified investment advisers. Entities such as Federal and most State registered investment advisers, banks and insurance companies will be deemed to be qualified providers of investment advice provided the individual actually offering the advice is a registered investment adviser, registered representative or a registered broker or dealer. The Secretary of Labor has the authority to expand this category for other comparably qualified entities and individuals.

Next, the investment adviser must verify in writing that it has met several standards. The investment adviser must state that it is currently qualified as defined above and acknowledge that it is a fiduciary and as such, solely responsible for the information provided to the participants. The investment adviser must also review the plan documents, including investment options, and guarantee that the relationship with the investment adviser will not be in violation of any existing prohibited transaction rules under ERISA. It must also provide documentation that it has the necessary insurance coverage, as determined by the Secretary of Labor, for potential claims by plan participants.

Finally, before hiring the investment adviser, the plan sponsor must review the verification as previously described from the investment advisor. It must also review the investment adviser's fee structure and contract. Finally, it must review the Uniform Application for Investment Registration as filed with SEC or comparable filing with the Department of Labor. After reviewing all of these documents, the adviser must determine that there is no material reason to not enter into a contract with the investment advisor. The plan sponsor has a continuous duty to investigate the investment adviser if information is brought to its attention questioning whether the adviser remains qualified or if a significant number of employees register complaints. Based on this review the plan sponsor must determine whether or not to continue using the investment adviser's services.

I look forward to working with my colleagues on both sides of the aisle in advancing this legislation.

By Mr. McCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE):

S. 1678. A bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence; to the Committee on Finance.

Mr. McCAIN. Madam President, I, along with Senators ALLARD, LIEBERMAN, SNOWE, LEVIN, MURKOWSKI, CLELAND, INHOFE, LANDRIEU, BURNS, DURBIN, SESSIONS and DEWINE are proud to sponsor this bill to allow members of the Uniformed and Foreign Services, who are deployed or are away on extended active duty, to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans. I am pleased to announce that the Secretary of State greatly appreciates this legislation and the strong support of this measure by the senior uniformed military leadership, the 31-member associations of The Military Coalition, the American Foreign Service Association, and the American Bar Association. Despite such considerable support, I have heard that there are some lower ranking officials from the Office of Management and Budget that may have some minor concerns with this legislation but they have not conveyed their concerns to me or my staff directly.

This bill will not create a new tax benefit. Let me say that again: this bill will not create a new tax benefit, it merely modifies current law to include the time members of the Uniformed and Foreign Services are away from home on active duty when calculating the number of years the homeowner has lived in their primary residence. In short, this bill is narrowly tailored to remedy a specific dilemma, it treats service members and foreign service officers fairly, by treating them like all other Americans.

The Taxpayer Relief Act of 1997 delivered sweeping tax relief to millions of Americans through a wide variety of important tax changes that affect individuals, families, investors, and businesses. It was also one of the most complex tax laws enacted in recent history.

As with any complex legislation, there are winners and losers. But in this instance, there are unintended losers: service members and Foreign Service Officers.

The 1997 act gives taxpayers who sell their principal residence a much-needed tax break. Prior to the 1997 act, taxpayers received a one-time exclusion on the profit they made when they sold their principal residence, but the taxpayer had to be at least 55 years old and live in the residence for 2 of the 5 years preceding the sale. This provision primarily benefitted elderly taxpayers, while not providing any relief to younger taxpayers and their families.

Fortunately, the 1997 act addressed this issue. Under this law, taxpayers who sell their principal residence on or after May 7, 1997, are not taxed on the first $250,000 of profit from the sale; joint filers are not taxed on the first $500,000 of profit they make from selling their principal residence. The taxpayer must meet two requirements to qualify for this tax relief. The taxpayer must: one, own the home for at least 2 of the 5 years preceding the sale; and two, live in the home as their main home for at least 2 years of the last 5 years.

I applaud the bi-partisan cooperation that resulted in this much-needed form of tax relief. The home sales provision sounds great and it is. Unfortunately, the second part of this eligibility test unintentionally and unfairly prohibits many of our men and women in the Armed Forces and Foreign services from qualifying for this beneficial tax relief.

Constant travel across the U.S. and abroad is inherent in the military and Foreign Services. Nonetheless, some service members and Foreign Service Officers choose to purchase a home in a certain locale, even though they will not live there much of the time. Under the new law, if a service man does not have a spouse who resides in the house during his absence or the spouse is also in the military and also must travel, that service member will not qualify for the full benefit of the new home sales provision, because no one ''lives'' in the home for the required period of time. The law is prejudiced against dual-military couples who are often away on active duty, because they would not qualify for the home sales

exclusion because neither spouse ''lives'' in the house for enough time to qualify for the exclusion.

This bill simply remedies an inequality in the 1997 law. The bill amends the Internal Revenue Code so that service members and Foreign Service Officers will be considered to be using their house as their main residence for any period that they are away on extended active duty. In short, active and reserve service members will be deemed to be using their house as their main home, even if they are stationed in Bosnia, the Persian Gulf, in the ''no man's land,'' commonly called the DMZ between North and South Korea, or anywhere else on active duty orders.

In 1998 alone, the United States had approximately 37,000 men and women deployed to the Persian Gulf region, preparing to go into combat, if so ordered. There were also 8,000 American troops deployed in Bosnia, and another 70,000 U.S. military personnel deployed in support of other commitments worldwide. That is a total of 108,000 men and women deployed outside of the United States, away from their primary home, protecting and furthering the freedoms we Americans hold so dear. Today since the September 11 attacks on the United States we've asked over 100,000 service members to deploy abroad to seek out and destroy the terrorists and their supporting organizations responsible for this incomprehensible deed.

The average American participates in our Nation's growth through home ownership. Appreciation in the value of a home because of our country's overall economic growth allows everyday Americans to participate in our country's prosperity. Fortunately, the Taxpayer Relief Act of 1997 recognized this and provided this break to lessen the amount of tax most Americans will pay on the profit they make when they sell their homes.

The 1997 home sale provision unintentionally discourages home ownership among members of the Uniformed and Foreign Services, which is bad fiscal policy. Home ownership has numerous benefits for communities and individual homeowners. Owning a home provides Americans with a sense of community and adds stability to our Nation's neighborhoods. Home ownership also generates valuable property taxes for our nation's communities.

We also cannot afford to discourage military service by penalizing military personnel with higher taxes merely because they are doing their job. Military and Foreign service entails sacrifice, such as long periods of time away from friends and family and the constant threat of mobilization into hostile territory. We must not use the tax code to heap additional burdens upon our men and women in uniform.

In my view, the way to decrease the likelihood of further inequities in the tax code, intentional or otherwise, is to adopt a fairer, flatter tax system that is far less complicated than our current system. But, in the meantime, we must insure that the tax code is as fair and equitable as possible.

The Taxpayer Relief Act of 1997 was designed to provide sweeping tax relief to all Americans, including our men and women in uniform. It is true that there are winners and losers in any tax code, but this inequity was unintended. Enacting this narrowly-tailored remedy to grant equal tax relief to the members of our Uniformed Services restores fairness and consistency to our increasingly complex tax code.

I request unanimous consent that my statement and the letters of support be printed in the RECORD and that the full text of the legislation that I have introduced be printed in the RECORD.

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

S. 1678

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 ''Military Homeowners Equity Act''.

SEC. 2. MEMBER OF UNIFORMED SERVICE AND FOREIGN SERVICE TREATED AS USING PRINCIPAL RESIDENCE WHILE AWAY FROM HOME ON QUALIFIED OFFICIAL EXTENDED DUTY IN DETERMINING EXCLUSION OF GAIN ON SALE OF SUCH RESIDENCE.

(a) IN GENERAL.—Section 121(d) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following:

''(9) DETERMINATION OF USE DURING PERIODS OF QUALIFIED OFFICIAL EXTENDED DUTY WITH UNIFORMED SERVICE OR FOREIGN SERVICE.—

''(A) IN GENERAL.—A taxpayer shall be treated as using property as a principal residence during any period—

''(i) the taxpayer owns such property, and

''(ii) the taxpayer (or the taxpayer's spouse) is serving on qualified official extended duty as a member of a uniformed service or of the Foreign Service,

but only if the taxpayer owned and used the property as a principal residence for any period before the period of qualified official extended duty.

''(B) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any period of extended duty during which the member of a uniformed service or the Foreign Service is under a call or order compelling such duty at a duty station which is a least 50 miles from the property described in subparagraph (A) or compelling residence in Government furnished quarters while on such duty.

''(ii) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) UNIFORMED SERVICE.—The term 'uniformed service' has the meaning given such term by section 101(a)(5) of title 10, United States Code.

''(ii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges on or after the date of the enactment of this Act.

THE MILITARY COALITION,
Alexandria, VA, November 6, 2001.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The Military Coalition, a consortium of nationally prominent uniformed services and veterans organizations, representing more than 5.5 million members, plus their families and survivors, is grateful to you for introducing The Military Homeowners Equity Act—a bill that would restore capital gains tax equity for military homeowners.

Your legislation is essential to correct a serious oversight in the Taxpayer Relief Act of 1997, which inadvertently penalizes servicemembers who are assigned away from their principal residence for more than three years on government orders. Very often, servicemembers keep their homes while reassigned to overseas or elsewhere in the hopes of returning to their residence. On occasions when this proves impossible, and the home must be sold to permit purchase of a new principal residence, servicemembers find themselves subjected to substantial tax liabilities—all because military orders kept them from occupying their principal residence for at least two of the five years before the sale.

In 1999, both the House and Senate passed corrective legislation (H.R. 865) as part of the Taxpayer Refund and Relief Act of 1999, but the President vetoed this bill over an unrelated issue. Your new bill will be important to resurrect this fairness issue and allow servicemembers to comply with government orders and leave home to serve their country without risking a large capital gains tax liability.

The Military Coalition pledges to work with you to seek inclusion of your bill in the pending economic stimulus package so military members can once again enjoy the same capital gains tax relief already provided to all other Americans.

Sincerely,

THE MILITARY COALITION.

(Signed by representatives of the following organizations:)

Air Force Association; Air Force Sergeants Association; Army Aviation Assn. of America; Assn. of Military Surgeons of the United States; Assn. of the US Army; Commissioned Officers Assn. of the US Public Health Service, Inc.; CWO & WO Assn. US Coast Guard; Enlisted Association of the National Guard of the US; Fleet Reserve Assn.; Gold Star Wives of America, Inc.; Jewish War Veterans of the USA; Marine Corps League; Marine Corps Reserve Officers Assn.; Military Order of the Purple Heart; National Guard Assn. of the US; Nat'l Military Family Assn.

National Order of Battlefield Commissions; Naval Enlisted Reserve Assn.; Naval Reserve Assn.; Navy League of the US; Non Commissioned Officers Assn. of the United States of America; Reserve Officers Assn.; Society of Medical Consultants to the Armed Forces;

The Military Chaplains Assn. of the USA; The Retired Enlisted Assn.; The Retired Officers Assn.; United Armed Forces Assn.; USCG Chief Petty Officers Assn.; US Army Warrant Officers Assn.; Veterans of Foreign Wars of the US; Veterans' Widows International Network, Inc.

AMERICAN FOREIGN SERVICE ASSOCIATION,
Washington, DC, November 5, 2001.

Hon. JOHN MCCAIN,
Senate Russell Building,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 23,000 active-duty and retired members of the Foreign Service which the American Foreign Service Association (AFSA) represents, thank you for your leadership and support with your soon-to-be-introduced bill extending to the Uniformed Services and the Foreign Service the tax treatment enjoyed by all other Americans when they sell their principal residence.

As you know this is an important active-duty issue for both the Uniformed Services and the Foreign Service. Your bill, amending section 121(d) of the Internal Revenue Code of 1986, addresses an inequity faced by our members because of the particular nature of our profession. As you are well aware, our careers require us to live for years at a time away from our homes in duty posts around the world in service to our nation. In the case of the Foreign Service, our duty assignments range from 2–4 years. Back-to-back assignments abroad are common. It is not unusual for a member of the Foreign Service to spend six or more years abroad before returning to Washington for an assignment here. With the current two-in-five year occupancy test, many of our members in both the Uniformed Services and the Foreign Service find that we do not have the same flexibility in selling our homes as enjoyed by our fellow Americans. After several years abroad, there are many reasons why we may wish to sell our homes upon returning home. As with other Americans, we would like our homes to reflect and be suited to the changes in our lives—the increase or decrease in the size of our families, divorce, retirement, promotions and the ability to pay more for a house, the schools our children would attend, etc. Yet because of current law, we cannot sell our principal residences without living in them again for two years or else pay a serious tax penalty. Your bill, gratefully, addresses these problems.

The members of the Uniformed Services and the Foreign Service have been faced with this problem since the change in the tax code in 1997. We hope that your provision can become law soon. If we can be of any assistance, please do not hesitate to contact me or Ken Nakamura, AFSA's Director of Congressional Relations at (202) 944–5517 or by e-mail at nakamura@afsa.org.

Sincerely,

JOHN K. NALAND,
President.

OCTOBER 31, 2001.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Your efforts to improve the quality of service enjoyed by our Navy-Marine Corps team are greatly appreciated. I would like to extend my support for the legislation that you intend to introduce to correct the tax disadvantage created by The Tax Reform Act of 1997.

The Marine Corps has been tracking several intended to correct this tax disadvantage. As you know, The Tax Reform Act repealed certain portions of the existing law that allowed military members to maintain the status quo with other taxpayers for exclusion of capital gains. The Act provided for an exclusion, obviously not intended to disadvantage military service members or members of the Foreign Service. In order to qualify, a taxpayer must ''own and use'' the property for two of the five years preceding the sale. Since our personnel seldom remain in one location for over three years, it is difficult to qualify for the exclusion.

Please let me know if there is any way in which I can be of assistance or service.

Semper Fidelis,

J.L. JONES,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, November 7, 2001.

Hon. JOHN M. MCCAIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the American Bar Association, I would like to commend you for your leadership in developing a proposal on the issue of the military homeowners capital gains exemption. Such legislation is needed to correct an inequity that occurred as a result of the Taxpayer Relief Act of 1997 (Public Law No: 105–34).

As you know, Section 121 of the Internal Revenue Code permits a single taxpayer to exclude up to $250,000 of the capital gains on the sale of a principal residence and permits a married couple filing jointly to exclude up to $500,000 on such a sale. Yet in order to qualify for such an exclusion, a taxpayer must have owned and used the home as a principal residence for two out of the five years prior to its sale. Otherwise, a taxpayer must pay taxes on all or a pro rata share of the capital gains on the sale of the home.

Unfortunately, this provision penalizes service members who are unable to use a principal residence for two out of the five years prior to its sale, because they are deployed overseas or required to live in military housing. The ABA urges Congress to amend Section 121 of the IRC to either: (1) treat time spent away from a principal residence while away from home on official active duty as counting towards the ownership and use requirement, or (2) suspend the ownership and use requirement for time spent away from a principal residence due to official active duty. Earlier this year, the ABA submitted comments to the Internal Revenue Service on proposed regulations regarding Section 121. A copy of our comments is enclosed for your review.

We want to thank you for your plans to rectify the inequity created for service members by Section 121. We look forward to working with you to establish a military homeowners capital gains exemption.

Sincerely,

ROBERT D. EVANS,
Director.

Mr. ALLARD. Madam President, I want to thank Senator MCCAIN for offering the ''Military Homeowner Equity Act'' and voice my full support as original sponsor. The bill provides tax equity to members of the uniformed services and the Foreign Service by permitting them to benefit from the capital gains tax exemption when they sell a principal residence, as other Americans enjoy. The bill does so by providing that absences from the principal residence due to serving on a qualified official extended duty as a member of a uniformed or Foreign Service of the United States be treated as using the residence in determining the exclusion of gain from the sale of such residence.

This bill does not create a new benefit, it simply adjusts an oversight and brings fairness and equality to the Code by recognizing the unique circumstances of the members of the uniformed and Foreign Services. This proposed correction is not new to this Congress. The Taxpayer Refund and Relief Act, which passed both the House and Senate during the 106th Congress included provisions to correct this problem. Unfortunately, that bill was vetoed.

The citizens of this country earned the many improvements made to the tax code in the Taxpayer Relief Act of 1997. Under this law, taxpayers who sell their residence are not taxed on the first $250,000 of profit from the sale, $500,000 for joint filers. This is a well deserved tax break that encourages and rewards home ownership. The taxpayer must meet two requirements to qualify for this relief. First, they must own the home for at least 2 of the last 5 years, and second they must live in the home for at least 2 of the last 5 years. It is the latter requirement that is not fair or equitable to our service members.

The requirement for a taxpayer to have lived in a principal residence for 2 of the previous 5 years from the date of sale in order to take advantage of the full capital gains exclusion on the sale of a principal residence is difficult if not impossible for our career service members to meet. Unlike most Americans, career members of our military must, as a matter of law, serve throughout the world based on the needs of the nation. Our Foreign Service personnel, on average, spend more than 55 percent of their career abroad, for periods of 2 to 4 years. Consecutive tours keep our uniformed and Foreign Service members away from a ''principal residence'' far beyond the 5-year test period required in the current tax law. The unique circumstances of our uniformed and Foreign Service members effectively exclude them from taking full advantage of the 1997 changes in the tax law if they wish to sell their home.

Service members move at the direction of the U.S. Government. They pick up and move their families on a regular basis whenever the need of their service requires them to move. It may be possible for service members to purchase a home at some locations, but selling that home and purchasing another at the next location is often not possible. This happens when their new location is overseas, they are assigned

to live in government housing, off-post housing is not available for sale, or home prices in the new area are simply not within their budget. Thus, frequently they are unable to meet the requirement to live in a house 2 of the last 5 years preceding a sale.

Additionally, our career service members need and want to sell their homes for all of the multitude of reasons that most Americans sell. They may have an increase or a decrease in the size of the family or want to change neighborhoods or schools. They may have the ability to afford more because of promotions or salary increases or it may simply be time to retire and leave the service. They should not be penalized for their time away when buying and selling their home was impossible or impractical.

The intent of the capital gains exclusion in the IRS code is to encourage home ownership by exempting capital gains taxes on the sale their home and allow more Americans to enjoy our country's prosperity. Again, the situation that career service members are in makes it difficult, or impossible, to follow this course of action. This bill remedies the situation. I urge my colleagues to join us in co-sponsoring this legislation.

By Mr. CONRAD:

S. 1679. A bill to amend title XVIII of the Social Security Act to accelerate the reduction on the amount of beneficiary copayment liability for Medicare outpatient services; to the Committee on Finance.

Mr. CONRAD. Madam President, today I am introducing the Medicare Beneficiary Liability Reduction Act. This legislation will help America's seniors better afford the costs of receiving needed medical services.

As you may know, most seniors are required to pay a portion of the costs associated with medical care they receive under the Medicare program. In particular, Medicare Part B, which covers physician, laboratory, outpatient and other services, requires most beneficiaries to cover 20 percent of the cost of care they receive. However, there is an anomaly in the Medicare system that has required many beneficiaries to pay much more out-of-pocket for hospital outpatient department, HOPD, services. in particular, prior to 1997, many beneficiaries were required to pay more than 50 percent of the approved Medicare costs for hospital outpatient care. I am concerned that this situation made it difficult for lower income seniors to receive needed outpatient medical services.

To address this problem, I am happy to say that the Congress included measures in the Balanced Budget Act of 1997 that sought to bring beneficiary cost sharing for HOPD care in line with the out-of-pocket requirements for other Medicare Part B services. Unfortunately, while this legislation was a step in the right direction, it will still take nearly 40 years of the cost sharing level to be reduced to the targeted level for some outpatient procedures. Clearly, this prolonged time lag is unacceptable.

In subsequent years, I have supported additional measures to expedite the reduction in seniors' cost sharing liability by placing a limit on how much a senior can be charged in any given year and requiring that the coinsurance level be brought down to 40 percent by 2006. These were important achievements. The legislation I am introducing today takes the final step to bring seniors' copayment rates for HOPD services down to the desired 20 percent level.

In particular, the Medicare Beneficiary Liability Reduction Act would continue to reduce HOPD cost-sharing requirements so that by 2010 and thereafter seniors would be required to pay no more than 20 percent of the allowable Medicare costs for HOPD care. I strongly believe that this legislation will help ensure our nation's seniors are not over-burdened with unfair Medicare cost sharing requirements. I hope my colleagues will join me in supporting this important effort.

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. 1679

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 ''Medicare Beneficiary Liability Reduction Act of 2001''.

SEC. 2. ACCELERATING THE RATE OF REDUCTION OF BENEFICIARY COPAYMENT LIABILITY UNDER THE MEDICARE HOSPITAL OUTPATIENT DEPARTMENT PROSPECTIVE PAYMENT SYSTEM.

Section 1833(t)(8)(C)(ii) of the Social Security Act (42 U.S.C. 1395l(t)(8)(C)(ii)) is amended—

(1) in clause (v), by striking ''and thereafter''; and

(2) by adding at the end the following new subclauses:

''(VI) For procedures performed in 2007, 35 percent.

''(VII) For procedures performed in 2008, 30 percent.

''(VIII) For procedures performed in 2009, 25 percent.

''(IX) For procedures performed in 2010 and thereafter, 20 percent.''.

By Mr. WELLSTONE:

S. 1680. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide that duty of the National Guard mobilized by a State in support of Operation Enduring Freedom or otherwise at the request of the President shall qualify as military service under that Act; to the Committee on Veterans' Affairs.

Mr. WELLSTONE. Madam President, I rise today to urge your support for amending the Soldiers' and Sailors' Civil Relief Act, SSCRA, to expand the protections of that Act to National Guard personnel protecting our Nation's airports and nuclear facilities. Specifically, this bill will provide civil relief to National Guard personnel mobilized by State governors in support of Operation Enduring Freedom, or who are otherwise called up at the request of the President.

The SSCRA is an important Act that provides help to people who have taken on financial burdens without knowing they would be called up to serve in the military. Today those people are the men and women of our National Guard called-up to protect our nation's airports. Men and women of the National Guard serve the Nation and our States as a unique organization among all branches of the United States armed forces, the Guard is America's community based defense force, located in more than 2,700 cities and towns throughout the Nation. Some 60 of these units are in my home state of Minnesota. National Guard members are integral members of their communities, they and their families live, shop, work, worship and go to schools in our cities and towns. It is this link between the community and its citizen-soldiers that makes the National Guard unique and so vital to our homeland security. It is imperative we give them the protections of the SSCRA they rightly deserve.

I would like to take a moment to explain the protections offered by the SSCRA. Most people have debts or financial obligations of one kind or another, mortgages on family homes, debts related to buying cars, charge account debts from buying things with credit cards, or child-support payments. The SSCRA does not wipe out any debts or other financial obligations of people who have been called up for active duty. But it does give them certain protections. A few of these are especially important because they affect a large number of people: Section 526 states that interest of no more than 6 percent a year can be charged by a lender on a debt which a person on active duty in military service incurred before he or she went on active duty. This is very important. The men and women of our National Guard are people like you and me, they've bought things on credit and have jobs that allow them to pay off that debt. But now, many have taken pay cuts to protect our airports. Capping interest on their debt is important to ensuring their financial security.

Other sections of the SSCRA protect people from being evicted from rental property or from mortgaged property, against cancellation of life insurance, from having their property sold to pay taxes that are due; and from getting

stuck in a lease, some Guardsmen may have recently rented a new apartment only to find their duty is going to send them far from their new property.

Unfortunately, the SSCRA only applies to National Guard personnel mobilized directly by the President of the United States, and does not protect those mobilized by state governors at the request of the President, as is the case with those National Guard now protecting our airports. This distinction is inequitable and actually, makes no sense. Service performed by those mobilized by a governor at the request of the President face the same problems as those mobilized by the President directly. It is only right that they receive the same protections.

Although the President is clearly authorized to mobilize the National Guard himself, on September 27 he instead requested State governors to mobilize their own National Guard personnel. He did so again last Friday. Under this type of mobilization the National Guard remains under the full operational control of the State, providing the necessary flexibility to deal with security issues that are better handled at the State and local level. While National Guard mobilized in this manner receive the general benefits of active duty military personnel, such as VA Veterans status and Tricare family health insurance, they do not receive the additional benefit of civil relief under the SSCRA.

In Minnesota, soldiers have received orders to provide protection at airports until as late as March 28, 2002. These soldiers are serving in a full-time status, six to seven days per week. While the Minnesota National Guard initially began providing security at the Minneapolis/St. Paul, Duluth and Rochester airports, they were recently informed that they will provide security at five additional Minnesota airports. This means they will spend less time with their families and employers. Some of them face the real possibility of financial ruin due to their time away from work. They have mortgages and car payments, things they may have easily expected to be able to pay. Some have college debt and others child support payments. Many have taken pay cuts to leave their professions to come out and protect our airports, to protect us. We must act now to provide them the civil relief they rightly deserve. And we must be aware that National Guard units may soon be asked to secure other facilities such as power plants and water treatment facilities in the near future. Addressing these issues now will ease the burden placed upon these soldiers now and in the future.

It is my belief that the SSCRA was never meant to purposely exclude National Guard mobilized in the manner they have been today, we simply could never have imagined the need for round-the-clock security at our airports when this Act was written. September 11 changed so many things for us. And it is time we change the SSCRA to ensure we provide benefits to protect those who are protecting us.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 178—CONGRATULATING BARRY BONDS ON HIS SPECTACULAR RECORD-BREAKING SEASON IN 2001 AND OUTSTANDING CAREER IN MAJOR LEAGUE BASEBALL

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 178

Whereas Barry Bonds has brought distinction to Major League Baseball and excellence to the San Francisco Giants, following in the baseball footsteps of his father, Bobby Bonds, and his godfather, Willie Mays;

Whereas Barry Bonds has had an outstanding career that so far includes 3 Most Valuable Player awards, 10 All-Star Game appearances, 8 Rawlings Gold Glove awards, and the distinction of being named Player of the Decade for the 1990s by the Sporting News;

Whereas in 2001, Barry Bonds had 1 of the greatest seasons in Major League Baseball history, achieving 73 home runs, a slugging average of .863, and an on-base percentage of .515;

Whereas Barry Bonds has established himself as the most prolific single-season home run hitter in Major League Baseball history, hitting his 73d home run on October 7, 2001, eclipsing the previous record of 70 home runs set by Mark McGwire in 1998;

Whereas Barry Bonds has attained the rank of 7th place on the all-time Major League Baseball home run list with 567;

Whereas Barry Bonds drove in 136 runs to set a Giants franchise record for runs batted in by a left fielder, and has recorded at least 100 RBI's in each of 10 different seasons;

Whereas of Barry Bonds's 73 home runs, 24 gave San Francisco the lead and 7 tied the game;

Whereas Barry Bonds also hit the 500th home run of his career during the 2001 season, a 2-run game-winning home run which landed in the waters of McCovey Cove, San Francisco;

Whereas Barry Bonds, at age 37, is the oldest player in Major League Baseball history to hit more than 50, 60, and 70 home runs in a single season;

Whereas Barry Bonds has recorded 484 stolen bases in his career, becoming the only Major League Baseball player to both hit more than 400 home runs and steal more than 400 bases;

Whereas Barry Bonds's 233 stolen bases achieved while playing for San Francisco place him 6th on the Giants franchise list behind his father, Bobby, who is 5th with 263 stolen bases;

Whereas Barry Bonds has proven himself to be an active leader not only in the Giants clubhouse but also in the community, donating approximately $100,000 to the September 11th Fund to aid the victims of the terrorist attacks in New York, Washington, D.C., and Pennsylvania; and

Whereas Barry Bonds has also devoted his time and money to support the Link & Learn Program of the United Way, and has been an active participant in numerous other San Francisco Bay area community efforts: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Barry Bonds on his spectacular record-breaking season in 2001 and outstanding career in Major League Baseball;

(2) wishes Barry Bonds continued success in the seasons to come; and

(3) thanks Barry Bonds for his contributions to baseball and to his community.

Mrs. FEINSTEIN. Madam President, I rise today to submit a resolution congratulating Barry Bonds of the San Francisco Giants for his historic achievements during the 2001 baseball season and to thank him for his contributions to baseball and his community.

On October 7, 2001 at Pacific Bell Park in San Francisco, Barry Bonds hit his 73rd home run, setting a new record for most home runs in a season, eclipsing the previous mark of 70 set by Mark McGwire of the St. Louis Cardinals in 1998. In addition, during the 2001 campaign Barry Bonds set records for slugging percentage, 16 points above the previous mark, and most walks in a season, surpassing the feats of the immortal Babe Ruth.

Barry Bonds' outstanding play on the field added to what was already a Hall of Fame career: 3 Most Valuable Player awards, 567 career home runs, 7th on the all-time list, the only player with more than 400 home runs and 400 stolen bases, 10 All-Star Game appearances, 8 Gold Glove awards, and the Sporting News' Player of the Decade for the 1990s.

As a native San Franciscan and lifelong San Francisco Giants fan, I could not be prouder of Barry Bonds. His roots in California and the Bay Area run deep. Born in Riverside, he grew up in San Mateo and attended Sierra High School. After attending Arizona State University and beginning his career with the Pittsburgh Pirates, Barry Bonds returned to his hometown team, the Giants, in 1993.

No one should be surprised that Barry Bonds has reached the elite level of baseball players. After all, he is the son of former major league star and San Francisco Giant, Bobby Bonds, and the godson of perhaps the greatest living ball player, the great Willie Mays.

His exploits in baseball are matched by his dedication to the community off the field. Seven years ago he founded the Barry Bonds Family Foundation, headed by his mother, Pat Bonds. The Foundation supports activities and programs opportunities of African American youth in the Bay Area. Barry Bonds and his Foundation are particularly involved in the United Way's ''Link and Learn'', a program dedicated to raising student achievement through greater parental involvement, access to tutoring and interactive technology.

All baseball fans, even those of the Los Angeles Dodgers, can appreciate Barry Bonds' breathtaking skill, record setting performance, and commitment to his community. During a difficult time for our country, he gave us a reason to return to the ballpark and cheer him on the way to a new home run record. All over the country, fans rose from their seats for every at-bat, celebrated each home run, and even booed their own teams when they intentially walked him.

At 37 years old, he is in the prime of his baseball career and I am sure he will amaze and dazzle us many more times in the future.

Again, I congratulate Barry Bonds for his season and thank him for all that he has done for baseball and his community. I urge my colleagues to support this resolution.

SENATE RESOLUTION 179—TO EXPRESS THE SENSE OF THE SENATE REGARDING ENSURING QUALITY HEALTHCARE FOR OUR NATION'S VETERANS

Mr. BOND submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 179

Whereas, President George W. Bush and the United States Senate designated this week, November 11 through November 17, 2001, as National Veterans Awareness Week.

Whereas, the United States owes a great debt of gratitude to the veterans who have made untold sacrifices for our Nation;

Whereas, it is the policy of the United States to provide quality healthcare to veterans who have served our Nation in times of peace and war;

Whereas, our Nation's government has an obligation to ensure that veterans receive quality healthcare each and every day of their lives and to protect them from abuse and neglect;

Whereas, the Department of Veterans Affairs has projected a significant increase in the demand for long-term healthcare for veterans over the next decade;

Whereas, the Department of Veterans Affairs has projected the number of veterans age 85 and older will increase threefold, reaching nearly 1.3 million by 2010;

Whereas, the prevalence of chronic health conditions and disabilities increases markedly at advanced age;

Whereas, the Veterans Millennium Health Care and Benefits Act of 1999, required that the Department of Veterans Affairs provided long-term healthcare to eligible veterans

Whereas, President George W. Bush issued an executive order creating a Presidential Task Force to improve healthcare for veterans and military retirees;

Whereas, the General Accounting Office has issued a report finding that the Department of Veterans Affairs cannot be assured that all veterans will receive care in private nursing facilities that meets the standards established by the Department of Veterans Affairs;

Whereas, the General Accounting Office has found that the Department of Veterans Affairs needs to strengthen its oversight of veterans placed in private nursing facilities;

Whereas, the Inspector General for the Department of Veterans Affairs has reported since 1994 about issues that the Department of Veterans Affairs needs to address to improve the care of veterans in private nursing facilities;

Whereas, the Inspector General for the Department of Veterans Affairs has reported that at least one veteran died after being lost to the Department of Veterans Affairs oversight;

Whereas, the death of even one veteran due to substandard care is unacceptable: Now, therefore, be it

Resolved, That—

(1) the Senate urges the Secretary of the Department of Veterans Affairs to work hand-in-hand with the Secretary of the Department of Health and Human Services and the Administrator for the Centers for Medicare and Medicaid Services, to improve coordination among and between these agencies to provide quality healthcare for the men and women who have served in uniform, and specifically those who require long-term care; and

(2) the President and the Secretary of Veterans Affairs should act promptly and deliberately to protect veterans from the dangers of abuse and neglect and to ensure that they receive the highest quality of long-term healthcare.

SENATE RESOLUTION 180—EXPRESSING THE SENSE OF THE SENATE REGARDING THE POLICY OF THE UNITED STATES AT THE 17TH REGULAR MEETING OF THE INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS IN MURCIA, SPAIN

Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, and Mr. HELMS) submitted the following resolution; which was considered and agreed to:

S. RES. 180

Whereas certain marine species including Atlantic tunas, swordfish, marlins, sailfishes, and pelagic sharks migrate through broad oceanic expanses and traverse the coastal waters of many nations;

Whereas, of these highly migratory species, tuna and swordfish stocks in particular support major fisheries and are among the most highly valued of marine species;

Whereas due to the transboundary nomadic nature of these highly migratory species, effective efforts to conserve and manage these stocks require international cooperation and coordination;

Whereas the International Convention for the Conservation of Atlantic Tunas (ICCAT) was established in 1966 to provide international management of highly migratory species;

Whereas the highly migratory species managed by ICCAT support extremely important commercial and recreational fisheries in the United States which are vital sources of income to United States fishing communities;

Whereas repeated violations of ICCAT conservation quotas and minimum size requirements, circumvention of compliance penalties and other actions have undermined the ability of ICCAT to establish, maintain and enforce conservation and rebuilding plans for overfished species of fish under ICCAT's management authority;

Whereas the latest scientific information suggests there is extensive mixing of bluefin tuna harvested in the eastern Atlantic and Mediterranean region with bluefin tuna harvested in the western Atlantic;

Whereas the current level of harvest of bluefin tuna harvested in the eastern Atlantic and Mediterranean is excessive and must be reduced, and that due to mixing, management measures in the east directly affect the west;

Whereas a failure of ICCAT member nations to enforce quotas, size limits and other conservation measures adversely affects United States commercial and recreational fishermen: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to ensure ICCAT member compliance with ICCAT conservation measures and quotas, for all species under ICCAT management authority, including bluefin tuna;

(2) the United States should press for improved monitoring, recording and reporting of harvesting and compliance information by contracting and non-contracting nations to ICCAT, including systems that will increase transparency of such reporting information, in order to provide the scientific information necessary for effective management of these stocks;

(3) the United States should encourage the Commission to identify nations that engage in actions that diminish the effectiveness of the Commission's fishery conservation program, including those engaged in illegal, unreported, or unregulated fishing for these stocks; and

(4) the United States should encourage the Commission to adopt recommendations authorizing the use of enforceable measures, including World Trade Organization-consistent trade measures, to prevent such nations from taking actions that would undermine the effectiveness of conservation and management recommendations of the Commission.

Mr. KERRY. Madam President, I rise today to submit a resolution along with my colleague Ms. SNOWE of Maine, that calls on the United States to make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to ensure international compliance with the International Commission for the Conservation of Atlantic Tunas, ICCAT, conservation measures for all managed species.

This week a group of committed fishery managers, scientists and industry representatives began travel overseas to represent our nation at the 17th regular meeting of the ICCAT in Murcia, Spain.

This multinational fishery conservation and management body of over 40 nations has a mandate to ensure the sustainability of all Atlantic fisheries for swordfish, billfish and a number of tuna species. Such multinational cooperation is necessary to effectively conserve and manage these species, which migrate widely on the high seas and through jurisdictions of many coastal Atlantic nations. Effective unilateral management of species that migrate through multiple jurisdictions is simply not possible, as was specifically

recognized under the 1995 U.N. Agreement on Straddling Stocks and Highly Migratory Species.

I am sad to report that many ICCAT member nations have failed to comply with basic ICCAT quota and minimum size regulations for several important species. The magnitude of these violations is so great that it could render useless all of the conservation plans that ICCAT have put in place to date. I find this very troubling, particularly given the tremendous burdens placed on U.S. fishermen to improve conservation of these species. They rightly object to being disadvantaged in the marketplace by nations who can sell fish more cheaply because their costs of compliance with the law are essentially zero.

Furthermore, it is my understanding that some ICCAT member nations have undermined essential conservation plans from the outset for several ICCAT species, by simply setting a quota that is in flagrant disregard of the best advice of the scientific community. These species include bluefin tuna and swordfish. Both of these species are extremely important to fishermen along the East Coast.

As I stated earlier compliance to basic conservation measures is absolutely essential to rebuilding our highly valuable stocks of swordfish and tuna. American fishermen have made great sacrifices for the conservation of bluefin tuna and swordfish in order to rebuild these stocks to their maximum sustainable yield. Nothing infuriates law-abiding U.S. fishermen more than having their future conservation gains squandered by nations that openly flout ICCAT's scientifically-based conservation standards. This simply cannot continue.

I strongly urge the U.S. delegation to this year's ICCAT to demand full compliance with all conservation measures, including sound, scientifically based quotas for all managed species. We have learned the hard way that the alternative to pro-active conservation is overfished and depleted stocks. These impacts go beyond financial costs to the fishing industry, and can place severe strains on local communities, national economies, and critical food supply chains. I do not need to remind you, of the devastating impacts overfishing caused in New England. In the 1980s our fishermen, like those of many ICCAT nations do today, believed that our oceans contained unlimited amounts of cod, haddock and yellowtail flounder. But by the early 1990s our stocks crashed causing severe economic harm to fishermen and their coastal communities. U.S. fishermen know firsthand what a fishery crash will mean and they are more than willing to do their part to ensure the same fate does not befall our international fisheries. The truth of the matter is, without compliance by all of ICCAT member nations, rebuilding these species is a sisyphean feat, an endless uphill battle. The U.S. cannot lift this boulder alone, we are but a small component of the total fishery. Sound, proactive conservation works, one need only look at Georges Bank today and see how far we have come with cod, haddock and yellowtail flounder.

The truth, is that the fishermen of the United States cannot carry the conservation load by themselves for highly migratory species. But even here in the United States we have shown that it is possible to revive multi-jurisdictional species through coordinated but mandatory conservation measures, the Atlantic states worked together to bring striped bass back from the edge, and the resulting striped bass population has exceeded all expectations. We must ensure that this is a model we successfully export to other nations, and ICCAT is the place we need to do it. The U.S. must demand from our fellow ICCAT members what we already demand from ourselves: use the best science when setting quotas and comply with quotas once they have been set. It is a simple rule, and it works.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator KERRY, to submit a resolution expressing the sense of the Senate regarding the policy of the United States at the 17th Regular Meeting of the International Convention for the Conservation of Atlantic Tunas, ICCAT.

We are submitting this resolution today as our delegates prepare for the upcoming ICCAT meeting in Murcia, Spain which begins on November 12, 2001. At this meeting the ICCAT will set international quotas for highly migratory species and recommend conservation and sustainable management measures. The ICCAT is an international body and only has the authority to make recommendations to its member nations. As such, the effective management of highly migratory species, such as bluefin tuna, requires the cooperation of the member nations in this voluntary regime. The sustainable harvest and longterm viability of U.S. bluefin tuna fisheries depends on the compliance with management measures by all member nations. Unfortunately, several member nations routinely take actions that undermine the convention.

In some cases, the conservation efforts of other countries do not directly affect the United States and its fishing industry. That is not the case with highly migratory species, such as the ones managed through ICCAT. Recent scientific studies conducted cooperatively with U.S. fishermen have shown that bluefin tuna caught off the coast of the United States migrate to and from the Eastern Atlantic and the Mediterranean Sea. This means that the traditional notion of the Eastern Atlantic stock being separate and independent from the Western Atlantic stock is not accurate and the data indicate it is one mixed stock of fish. Therefore, overharvesting of bluefin tuna in the Eastern Atlantic has a direct effect on United States fisheries.

This resolution expresses the Senate's belief that the United States needs to push for improved monitoring, reporting, and compliance with all ICCAT management plans. This will help all nations to identify those that have routinely acted counter to the recommendations of the ICCAT and aid enforcement efforts. It is important for the international community to understand which nations are undermining the recovery efforts of the ICCAT and take action to correct this problem. The United States should push for the necessary changes to create transparency in the conservation and management efforts of all members of the ICCAT. We need to know who is a dedicated partner in these efforts to conserve and sustainably manage highly migratory species.

As chair and ranking member of the Subcommittee on Oceans, Atmosphere, and Fisheries, Senator KERRY and I have been dedicated to improving fisheries management. This resolution is a critical step in ensuring that the international management plan approved by the ICCAT in 1998 meets the sustainable harvest goals that we all fought for. I urge my colleagues to join us and support this resolution.

SENATE CONCURRENT RESOLUTION 82—AUTHORIZING THE 2002 WINTER OLYMPICS TORCH RELAY TO COME ONTO THE CAPITOL GROUNDS

Mr. BENNETT (for himself, Mr. HATCH, Mr. DODD, Mr. MCCONNELL, and Mr. STEVENS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 82

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF THE RUNNING OF 2002 WINTER OLYMPICS TORCH RELAY ONTO THE CAPITOL GROUNDS.

On December 21, 2001, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2002 Winter Olympics Torch Relay (in this resolution referred to as the ''event'') may come onto the Capitol Grounds as part of the ceremony of the 2002 Winter Olympic Games to be held in Salt Lake City, Utah.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

SENATE CONCURRENT RESOLUTION 83—PROVIDING FOR A NATIONAL DAY OF RECONCILIATION

Mr. BROWNBACK (for himself and Mrs. CLINTON) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF ROTUNDA OF THE CAPITOL.

The rotunda of the Capitol is authorized to be used at any time on November 27, 2001, or December 4, 2001, for a National Day of Reconciliation where—

(1) the 2 Houses of Congress shall assemble in the rotunda with the Chaplain of the House of Representatives and the Chaplain of the Senate in attendance; and

(2) during this assembly, the Members of the 2 Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as—

(A) the champion of hope;

(B) the vindicator of the defenseless; and

(C) the guardian of freedom.

SEC. 2. PHYSICAL PREPARATIONS FOR THE ASSEMBLY.

Physical preparations for the assembly shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2117. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

SA 2118. Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2119. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2120. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2121. Mr. KERRY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1499, to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2117. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. REFUNDABLE CREDIT FOR OUTPATIENT PRESCRIPTION DRUGS FOR MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. OUTPATIENT PRESCRIPTION DRUGS FOR MEDICARE BENEFICIARIES.

''(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the amount paid during the taxable year, not compensated for by insurance or otherwise, for qualified outpatient prescription drugs for such individual.

''(b) LIMITATION.—The amount allowed as a credit under subsection (a) to the taxpayer for the taxable year shall not exceed $500 ($1,000 in the case of a joint return by 2 eligible individuals).

''(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means, with respect to any taxable year, any individual entitled to any benefits under title XVIII of the Social Security Act during such taxable year.

''(d) QUALIFIED OUTPATIENT PRESCRIPTION DRUGS.—For purposes of this section, the term 'qualified outpatient prescription drugs' means, with respect to any taxable year, any prescription drug the cost of which is not covered under title XVIII of the Social Security Act during such taxable year.

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

''(2) APPLICATION OF SECTION.—This section shall not apply to any taxable year beginning after December 31, 2001.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 35 of such Code''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

''Sec. 35. Outpatient prescription drugs for medicare beneficiaries.

''Sec. 36. Overpayments of tax.''.

(c) NOTIFICATION OF CREDIT.—The Secretary of Health and Human Services shall notify each individual who is or becomes entitled to benefits under title XVIII of the Social Security Act in 2001 of the individual's eligibility for the refundable credit for outpatient prescription drugs under section 35 of the Internal Revenue Code of 1986 (as added by this section).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SA 2118. Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in title IX insert the following:

SEC. ___. MEMBER OF UNIFORMED SERVICE AND FOREIGN SERVICE TREATED AS USING PRINCIPAL RESIDENCE WHILE AWAY FROM HOME ON QUALIFIED OFFICIAL EXTENDED DUTY IN DETERMINING EXCLUSION OF GAIN ON SALE OF SUCH RESIDENCE.

(a) IN GENERAL.—Section 121(d) (relating to special rules) is amended by adding at the end the following:

''(9) DETERMINATION OF USE DURING PERIODS OF QUALIFIED OFFICIAL EXTENDED DUTY WITH UNIFORMED SERVICE OR FOREIGN SERVICE.—

''(A) IN GENERAL.—A taxpayer shall be treated as using property as a principal residence during any period—

''(i) the taxpayer owns such property, and

''(ii) the taxpayer (or the taxpayer's spouse) is serving on qualified official extended duty as a member of a uniformed service or of the Foreign Service,

but only if the taxpayer owned and used the property as a principal residence for any period before the period of qualified official extended duty.

''(B) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any period of extended duty during which the member of a uniformed service or the Foreign Service is under a call or order compelling such duty at a duty station which is a least 50 miles from the property described in subparagraph (A) or compelling residence in Government furnished quarters while on such duty.

''(ii) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) UNIFORMED SERVICE.—The term 'uniformed service' has the meaning given such term by section 101(a)(5) of title 10, United States Code.

''(ii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges on or after the date of the enactment of this Act.

SA 2119. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

Strike section 202 of the bill and insert the following:

SEC. 202. SMALL BUSINESS ECONOMIC STIMULUS.

(a) INCREASE AND EXPANSION OF SECTION 179 EXPENSING.—

(1) IN GENERAL.—The table contained in section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

"If the taxable year begins in:	The applicable amount is:
2001	$24,000
2002 or 2003	$50,000
2004 or thereafter	$25,000.''.

(2) TEMPORARY INCREASE IN AMOUNT OF PROPERTY TRIGGERING PHASEOUT OF MAXIMUM BENEFIT.—Paragraph (2) of section 179(b) is amended by inserting before the period ''($400,000 in the case of taxable years beginning during 2002 or 2003)''.

(3) EXPENSING ALLOWED FOR COMPUTER SOFTWARE AND FOR YEAR IN WHICH PROPERTY PURCHASED.—Section 179 (relating to election to expense certain depreciable business assets) is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR PROPERTY PLACED IN SERVICE IN 2002 or 2003.—

''(1) IN GENERAL.—In the case of eligible property, this section shall be applied with the following modifications:

''(A) The second sentence of subsection (a) shall be applied by inserting 'or, if the taxpayer elects, the taxable year in which the property is purchased' after 'service'.

''(B) The term 'section 179 property' shall include computer software (as defined in section 197(e)(3)(B)) to which section 167 applies and which is acquired by purchase for use in the active conduct of a trade or business.

''(2) ELIGIBLE PROPERTY.—For purposes of this subsection, the term 'eligible property' means property—

''(A) which is section 179 property (as modified by paragraph (1)(B)), and

''(B) which is purchased or placed in service by the taxpayer in a taxable year beginning in 2002 or 2003.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2000.

(b) TEMPORARY INCREASE IN DEPRECIATION LIMITS FOR BUSINESS VEHICLES.—

(1) INCREASE IN LIMITATION.—Section 280F(a)(1)(A) (relating to limitation on amount of depreciation for luxury automobiles) is amended—

(A) by striking ''$2,560'' in clause (i) and inserting ''$5,400'';

(B) by striking ''$4,100'' in clause (ii) and inserting ''$8,500'';

(C) by striking ''$2,450'' in clause (iii) and inserting ''$5,100''; and

(D) by striking ''$1,475'' in clause (iv) and inserting ''$3,000''.

(2) CONFORMING AMENDMENT.—Section 280F(a)(1)(B)(ii) (relating to disallowed deductions allowed for years after recovery period) is amended by striking ''$1,475'' each place that it appears and inserting ''$3,000''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after September 10, 2001, and before January 1, 2004.

(c) TEMPORARY INCREASE IN DEDUCTION FOR BUSINESS MEALS.—

(1) IN GENERAL.—Subsection (n) of section 274 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following:

''(4) TEMPORARY INCREASE IN LIMITATION.—With respect to any expense for food or beverages paid or incurred on or after September 11, 2001, and before January 1, 2004, paragraph (1) shall be applied by substituting '100 percent' for '50 percent'.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to expenses paid or incurred on or after September 11, 2001.

(d) EMERGENCY DESIGNATION.—Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 an amount equal to the amount by which revenues are reduced by this section, and the amendments made by this section, below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

SA 2120. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE X—SMALL BUSINESS ECONOMIC RECOVERY

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Small Business Leads to Economic Recovery Act of 2001''.

SEC. 1002. EMERGENCY DESIGNATION.

Amounts provided under this title are designated by Congress as emergency requirements pursuant section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985. Such amounts shall be available only to the extent that an official budget request that includes a designation for each amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress.

Subtitle A—Small Business Emergency Loan Assistance

SEC. 1011. SHORT TITLE.

This subtitle may be cited as the ''Small Business Emergency Loan Assistance Act of 2001''.

SEC. 1012. DEFINITIONS.

In this subtitle—

(1) the term ''Administration'' means the Small Business Administration;

(2) the term ''covered loan'' means a loan made by the Administration to a small business concern—

(A) under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

(B) located in an area which the President has designated as a disaster area as a result of the terrorist attacks perpetrated against the United States on September 11, 2001; and

(3) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 1013. DEFERMENT OF DISASTER LOAN PAYMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, payments of principal or interest on a covered loan shall be deferred, and no interest shall accrue with respect to a covered loan, during the 2-year period following the date of issuance of the covered loan.

(b) RESUMPTION OF PAYMENTS.—At the end of the 2-year period described in subsection (a), the payment of periodic installments of principal and interest shall be required with respect to a covered loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to a loan made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

SEC. 1014. REFINANCING EXISTING DISASTER LOANS.

(a) IN GENERAL.—Any loan made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) that was outstanding as to principal or interest on September 11, 2001, may be refinanced by a small business concern that is also eligible to receive a covered loan under this subtitle, and the refinanced amount shall be considered to be part of the covered loan for purposes of this subtitle.

(b) NO AFFECT ON ELIGIBILITY.—A refinancing under subsection (a) by a small business concern shall be in addition to any covered loan eligibility for that small business concern under this subtitle.

SEC. 1015. EMERGENCY RELIEF LOAN PROGRAM.

(a) BUSINESS LOAN AUTHORITY.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(31) TEMPORARY LOAN AUTHORITY FOLLOWING TERRORIST ATTACKS.—

''(A) IN GENERAL.—During the 1-year period beginning on the date of enactment of this paragraph, the Administration may make loans under this subsection to a small business concern that has suffered, or that is likely to suffer, significant economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001.

''(B) LOAN TERMS.—With respect to a loan under this paragraph—

''(i) for purposes of paragraph (2)(A), participation by the Administration shall be equal to 95 percent of the balance of the financing outstanding at the time of disbursement of the loan;

''(ii) no fee may be required or charged under paragraph (18);

''(iii) the applicable rate of interest shall not exceed a rate that is one percentage point above the prime rate as published in a national financial newspaper published each business day;

''(iv) no such loan shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower under this paragraph would exceed $1,000,000;

''(v) upon request of the borrower, repayment of principal due on a loan made under this paragraph shall be deferred during the 1-year period beginning on the date of issuance of the loan; and

''(vi) the repayment period shall not exceed 7 years, including any period of deferment under clause (v).

''(C) APPLICABILITY.—The loan terms described in subparagraph (B) shall apply to a loan under this paragraph notwithstanding any other provision of this subsection, and except as specifically provided in this paragraph, a loan under this paragraph shall otherwise be subject to the same terms and conditions as any other loan under this subsection.

''(D) SIGNIFICANT ECONOMIC INJURY.—In this paragraph, the term 'substantial economic injury' means an economic harm to a small business concern that results in the inability of the small business concern—

''(i) to meet its obligations as they mature;

''(ii) to pay its ordinary and necessary operating expenses; or

''(iii) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern.''.

SEC. 1016. ECONOMIC RECOVERY LOAN AND FINANCING PROGRAMS.

(a) ONE-YEAR SUSPENSION OF SECTION 7(a) FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

''(C) ONE-YEAR WAIVER OF FEES FOLLOWING TERRORIST ATTACKS.—No fee may be collected or charged, and no fee shall accrue under this paragraph during the 1-year period beginning on the date of enactment of the Small Business Terrorism Relief and Economic Stimulus Act of 2001.''.

(b) ONE-YEAR INCREASE IN PARTICIPATION LEVELS.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (E)''; and

(2) by adding at the end the following:

''(E) TEMPORARY PARTICIPATION LEVELS FOLLOWING TERRORIST ATTACKS.—During the 1-year period beginning on the date of enactment of the Small Business Terrorism Relief and Economic Stimulus Act of 2001, clauses (i) and (ii) of subparagraph (A) shall be construed to read as follows:

'' ''(i) 85 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds $150,000; or

'' ''(ii) 90 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance is less than or equal to $150,000.'.''.

(c) ONE-YEAR SUSPENSION OF OTHER FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A), by striking ''which amount shall'' and inserting ''which amount shall not be assessed or collected, and no amount shall accrue, during the 1-year period beginning on the date of enactment of the Small Business Terrorism Relief and Economic Stimulus Act of 2001, and which amount shall otherwise''; and

(2) in subsection (d)(2), by adding at the end the following: ''No fee may be assessed or collected under this paragraph, and no fee shall accrue, during the 1-year period beginning on the date of enactment of the Small Business Emergency Loan Assistance Act of 2001.''.

Subtitle B—Small Business Procurements

SEC. 1021. EXPANSION OF OPPORTUNITY FOR SMALL BUSINESSES TO BE AWARDED DEPARTMENT OF DEFENSE CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

Section 2855(b)(2) of title 10, United States Code, is amended by striking ''$85,000'' and inserting ''$300,000''.

SEC. 1022. PROCUREMENTS OF PROPERTY AND SERVICES IN AMOUNTS NOT IN EXCESS OF $100,000 FROM SMALL BUSINESSES.

(a) SMALL BUSINESS SET-ASIDES.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

''(q) PROCUREMENTS OF PROPERTY AND SERVICES NOT IN EXCESS OF $100,000.—

''(1) FEDERAL SUPPLY SCHEDULE ITEMS.—The head of an agency procuring items listed on a Federal Supply Schedule in a total amount not in excess of $100,000 shall procure the items from a small business concern.

''(2) OTHER PROPERTY AND SERVICES.—The head of an agency procuring property or services not listed on a Federal Supply Schedule in a total amount not in excess of $100,000 shall procure the property or services from a small business concern registered on PRO-Net or the Centralized Contractor Registration System. Competitive procedures shall be used in the selection of sources for procurements from small business concerns under this subsection.''.

(b) PHASED IMPLEMENTATION.—

(1) FIRST 2 YEARS.—During the 2-year period beginning on the effective date determined under subsection (c), the requirement of subsection (q)(1) of section 15 of the Small Business Act (as added by subsection (a) of this section) shall apply with respect to 25 percent of the procurements described in that subsection (q)(1) (determined on the basis of amount), and the requirement in subsection (q)(2) of that section shall apply with respect to 25 percent of the procurements described in that subsection (q)(2) (determined on the basis of amount).

(2) ENSUING 2 YEARS.—During the 2-year period beginning on the day after the expiration of the period described in paragraph (1), the requirement of subsection (q)(1) of section 15 of the Small Business Act (as added by subsection (a) of this section) shall apply with respect to 50 percent of the procurements described in that subsection (q)(1) (determined on the basis of amount), and the requirement in subsection (q)(2) of that section shall apply with respect to 50 percent of the procurements described in that subsection (q)(2) (determined on the basis of amount).

(c) EFFECTIVE DATE.—Section 15(q) of the Small Business Act (as added by subsection (a) of this section) shall take effect on the first day of the first month that begins not less than 180 days after the date of enactment of this Act.

SEC. 1023. SOLE SOURCE PROCUREMENTS OF PROPERTY AND SERVICES UNDER THE 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.

Notwithstanding the provisions of sections 8(a)(1)(D)(i)(II) and subclauses (I) and (II) of section 31(b)(2)(A)(ii) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II), 658(b)(2)(A)(ii)(I), and 658 (b)(2)(A)(ii)(II), respectively), a contracting officer may award non-competitive contracts with the budget authority provided by the 2001 Emergency Supplemental Appropriations Act for Recovery From and Response To Terrorist Attacks on the United States (Public Law 107–38) or by subsequent emergency appropriations bill adopted pursuant thereto, if—

(1) such contracts are to be awarded to an eligible Program Participant under section 8(a) or to a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 637(a) and 632(p)(5)); and

(2) the head of the procuring agency certifies that the property or services needed by the agency are of such an unusual and compelling urgency that the United States would be seriously harmed by use of competitive procedures, pursuant to—

(A) section 2304(c)(2) of title 10, United States Code; or

(B) section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)).

SA 2121. Mr. KERRY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1499, to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Small Business Emergency Relief and Recovery Act of 2001''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Nation's 25,000,000 small businesses employ more than 58 percent of the private workforce, and create 75 percent of all net new jobs;

(2) as a result of the terrorist attacks perpetrated against the United States on September 11, 2001, many small businesses nationwide suffered—

(A) directly because—

(i) they are, or were as of September 11, 2001, located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator;

(ii) they were closed or their business was suspended for National security purposes at the mandate of the Federal Government; or

(iii) they are, or were as of September 11, 2001, located in an airport that has been closed; and

(B) indirectly because—

(i) they supplied or provided services to businesses that were located in or near the World Trade Center or the Pentagon;

(ii) they are, or were as of September 11, 2001, a supplier, service provider, or complementary industry to any business or industry adversely affected by the terrorist attacks perpetrated against the United States on September 11, 2001, in particular, the financial, hospitality, and travel industries; or

(iii) they are, or were as of September 11, 2001, integral to or dependent upon a business or business sector closed or suspended for national security purposes by mandate of the Federal Government; and

(3) small business owners adversely affected by the terrorist attacks are finding it difficult or impossible—

(A) to make loan payments on existing debts;

(B) to pay their employees;

(C) to pay their vendors;

(D) to purchase materials, supplies, or inventory;

(E) to pay their rent, mortgage, or other operating expenses; or

(F) to secure financing for their businesses.

(b) PURPOSE.—The purpose of this Act is to strengthen the loan, investment, procurement assistance, and management education programs of the Small Business Administration, in order to help small businesses meet their existing obligations, finance their businesses, and maintain and create jobs, thereby providing stability to the national economy.

SEC. 3. DEFINITIONS RELATING TO TERRORIST ATTACKS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(r) DEFINITIONS RELATING TO TERRORISM RELIEF.—In this Act, the following definitions shall apply with respect to the provision of assistance under this Act in response to the terrorist attacks perpetrated against the United States on September 11, 2001, pursuant to the American Small Business Emergency Relief and Recovery Act of 2001:

''(1) DIRECTLY AFFECTED.—A small business concern is directly affected by the terrorist attacks perpetrated against the United States on September 11, 2001, if it—

''(A) is, or was as of September 11, 2001, located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator related to those terrorist attacks;

''(B) was closed or its business was suspended for national security purposes at the mandate of the Federal Government; or

''(C) is, or was as of September 11, 2001, located in an airport that has been closed.

''(2) INDIRECTLY AFFECTED.—A small business concern is indirectly affected by the terrorist attacks perpetrated against the United States on September 11, 2001, if it—

''(A) supplied or provided services to any business that was located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator related to those terrorist attacks;

''(B) is, or was as of September 11, 2001, a supplier, service provider, or complementary industry to any business or industry adversely affected by the terrorist acts perpetrated against the United States on September 11, 2001, in particular, the financial, hospitality, and travel industries; or

''(C) it is, or was as of September 11, 2001, integral to or dependent upon a business or business sector closed or suspended for national security purposes by mandate of the Federal Government.

''(3) ADVERSELY AFFECTED.—The term 'adversely affected' means having suffered economic harm to or disruption of the business operations of a small business concern as a direct or indirect result of the terrorist attacks perpetrated against the United States on September 11, 2001.

''(4) SUBSTANTIAL ECONOMIC INJURY.—As used in section 7(b)(4), the term 'substantial economic injury' means an economic harm to a small business concern that results in the inability of the small business concern—

''(A) to meet its obligations on an ongoing basis;

''(B) to pay its ordinary and necessary operating expenses; or

''(C) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the small business concern.''.

SEC. 4. DISASTER LOANS AFTER TERRORIST ATTACKS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately before the undesignated material following paragraph (3) the following:

''(4) DISASTER LOANS AFTER TERRORIST ATTACKS OF SEPTEMBER 11, 2001.—

''(A) LOAN AUTHORITY.—In addition to any other loan authorized by this section, the Administration may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to a small business concern that has been directly affected and suffered, or that is likely to suffer, substantial economic injury as the result of the terrorist attacks on September 11, 2001, including due to the closure or suspension of its business for National security purposes at the mandate of the Federal Government.

''(B) DEFERMENT OF LOAN PAYMENTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, payments of principal and interest on a loan made under this paragraph (other than a refinancing under subparagraph (D)) or paragraph (1) as a result of the terrorist attacks on September 11, 2001, shall be deferred, and no interest shall accrue with respect to such loan, during the 2-year period following the date of issuance of such loan.

''(ii) RESUMPTION OF PAYMENTS.—At the end of the 2-year period described in clause (i), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

''(C) REFINANCING DISASTER LOANS.—

''(i) IN GENERAL.—Any loan made under this subsection that was outstanding as to principal or interest on September 11, 2001, may be refinanced by a small business concern that is also eligible to receive a loan under this paragraph, and the refinanced amount shall be considered to be part of the new loan for purposes of this clause.

''(ii) NO EFFECT ON ELIGIBILITY.—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

''(D) REFINANCING BUSINESS DEBT.—

''(i) IN GENERAL.—Any business debt of a small business concern that was outstanding as to principal or interest on September 11, 2001, may be refinanced by the small business concern if it is also eligible to receive a loan under this paragraph. With respect to a refinancing under this clause, payments of principal shall be deferred, and interest may accrue notwithstanding subparagraph (B), during the 1-year period following the date of refinancing.

''(ii) RESUMPTION OF PAYMENTS.—At the end of the 1-year period described in clause (i), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

''(E) TERMS.—A loan under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2). Any reasonable doubt concerning the repayment ability of an applicant under this paragraph shall be resolved in favor of the applicant.

''(F) NO DISASTER DECLARATION REQUIRED.—For purposes of assistance under this paragraph, no declaration of a disaster area is required for those small business concerns directly affected by the terrorist attacks on September 11, 2001.

''(G) SIZE STANDARD ADJUSTMENTS.—Notwithstanding any other provision of law, for purposes of providing assistance under this paragraph to businesses located in areas of New York, Virginia, and the contiguous areas designated by the President or the Administrator as a disaster area following the terrorist attacks on September 11, 2001, a business shall be considered to be a 'small business concern' if it meets otherwise applicable size regulations promulgated by the Administration, and, with respect to the applicable size standard, it is—

''(i) a restaurant having not more than $8,000,000 in annual receipts;

''(ii) a law firm having not more than $8,000,000 in annual receipts;

''(iii) a certified public accounting business having not more than $8,000,000 in annual receipts;

''(iv) a performing arts business having not more than $8,000,000 in annual receipts;

''(v) a warehousing or storage business having not more than $25,000,000 in annual receipts;

''(vi) a contracting business having a size standard under the North American Industry Classification System, Subsector 235, and having not more than $15,000,000 in annual receipts;

''(vii) a food manufacturing business having not more than 1,000 employees;

''(viii) an apparel manufacturing business having not more than 1,000 employees; or

''(ix) a travel agency having not more than $2,000,000 in annual receipts.

''(5) AUTHORITY TO INCREASE OR WAIVE SIZE STANDARDS AND SIZE REGULATIONS.—

''(A) IN GENERAL.—At the discretion of the Administrator, the Administrator may increase or waive otherwise applicable size standards or size regulations with respect to businesses applying for assistance under this Act in response to the terrorist attacks on September 11, 2001.

''(B) EXEMPTION FROM ADMINISTRATIVE PROCEDURES.—The provisions of subchapter II of chapter 5, of title 5, United States Code, shall not apply to any increase or waiver by the Administrator under subparagraph (A).

''(6) INCREASED LOAN CAPS.—

''(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and in addition to amounts otherwise authorized by this Act, the loan amount outstanding and committed to a borrower may not exceed—

''(i) with respect to a small business concern located in the areas of New York, Virginia, or the contiguous areas designated by the President or the Administrator as a disaster area following the terrorist attacks on September 11, 2001—

''(I) $6,000,000 in total obligations under paragraph (1); and

''(II) $6,000,000 in total obligations under paragraph (4); and

''(ii) with respect to a small business concern that is not located in an area described in clause (i) and that is eligible for assistance under paragraph (4), $5,000,000 in total obligations under paragraph (4).

''(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amounts established under subparagraph (A).

''(7) EXTENDED APPLICATION PERIOD.—Notwithstanding any other provision of law, the Administrator shall accept applications for assistance under paragraphs (1) and (4) until September 10, 2002, with respect to applicants for such assistance as a result of the terrorist attacks on September 11, 2001.

''(8) LIMITATION ON SALES OF LOANS.—No loan under paragraph (1) or (4), made as a result of the terrorist attacks on September 11, 2001, shall be sold until 4 years after the date of the final loan disbursement.''.

(b) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(1) by striking '', (2), and (4)'' and inserting ''and (2)''; and

(2) by striking '', (2), or (4)'' and inserting ''(2)''.

SEC. 5. EMERGENCY RELIEF LOAN PROGRAM.

(a) LOAN PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(31) TEMPORARY LOAN AUTHORITY FOLLOWING TERRORIST ATTACKS.—

''(A) IN GENERAL.—During the 1-year period beginning on the date of enactment of this paragraph, the Administration may make loans under this subsection to a small business concern that has been, or that is likely to be directly or indirectly adversely affected.

''(B) LOAN TERMS.—With respect to a loan under this paragraph—

''(i) for purposes of paragraph (2)(A), participation by the Administration shall be equal to 90 percent of the balance of the financing outstanding at the time of disbursement of the loan;

''(ii) the Administrator shall collect an annual fee in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan, notwithstanding paragraph (23)(A);

''(iii) no fee may be collected or charged under paragraph (18);

''(iv) the applicable rate of interest shall not exceed a rate that is 2 percentage points above the prime lending rate;

''(v) no such loan shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower under this paragraph—

''(I) would exceed $1,000,000; or

''(II) at the discretion of the Administrator, and upon notice to the Congress, would exceed $2,000,000, as necessary to provide relief in high-cost areas or to high-cost industries that have been adversely affected; or

''(vi) no such loan shall be made if the gross amount of the loan would exceed $3,000,000;

''(vii) upon request of the borrower, repayment of principal due on a loan made under this paragraph may be deferred during the 1-year period beginning on the date of issuance of the loan; and

''(viii) any reasonable doubt concerning the repayment ability of an applicant for a loan under this paragraph shall be resolved in favor of the applicant.

''(C) APPLICABILITY.—The loan terms described in subparagraph (B) shall apply to a loan under this paragraph notwithstanding any other provision of this subsection, and except as specifically provided in this paragraph, a loan under this paragraph shall otherwise be subject to the same terms and conditions as any other loan under this subsection.

''(D) TRAVEL AGENCIES.—For purposes of loans made under this paragraph, the size standard for a travel agency shall be $2,000,000 in annual receipts.''.

(b) CONFORMING AMENDMENT.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by inserting ''other than a loan under paragraph (31) or a loan described in paragraph (2)(E),'' after ''this subsection,''.

SEC. 6. BUSINESS LOAN ASSISTANCE FOLLOWING TERRORIST ATTACKS.

(a) ONE-YEAR WAIVER OF SECTION 7(a) FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

''(C) ONE-YEAR WAIVER OF FEES FOLLOWING TERRORIST ATTACKS.—For loans approved during the 1-year period following the date of enactment of the American Small Business Emergency Relief and Recovery Act of 2001, a fee equal to not more than one half of the amount otherwise required by this paragraph shall be collected or charged under this paragraph.''.

(b) ONE-YEAR INCREASE IN PARTICIPATION LEVELS.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (E)''; and

(2) by adding at the end the following:

''(E) TEMPORARY PARTICIPATION LEVELS FOLLOWING TERRORIST ATTACKS.—For loans under this subsection, other than paragraph (31), that are approved during the 1-year period following the date of enactment of the American Small Business Emergency Relief and Recovery Act of 2001—

''(i) the guarantee percentage specified by clause (i) of subparagraph (A) shall be increased to 85 percent (except with respect to loans approved under the SBA Express Pilot Program); and

''(ii) the Administrator shall collect an annual fee in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan, notwithstanding paragraph (23)(A).''.

(c) REDUCTION OF SECTION 504 FEES.—

(1) IN GENERAL.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(A) in subsection (b)(7)(A)—

(i) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;

(ii) by striking ''not exceed the lesser'' and inserting ''not exceed—

''(i) the lesser''; and

(iii) by adding at the end the following:

''(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 1-year period following the date of enactment of the American Small Business Emergency Relief and Recovery Act of 2001, for the life of the loan; and''; and

(B) by adding at the end the following:

''(i) ONE-YEAR WAIVER OF FEES FOLLOWING TERRORIST ATTACKS.—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the 1-year period following the date of enactment of the American Small Business Emergency Relief and Recovery Act of 2001.''.

(2) USE OF FUNDS FOR SECTION 504 PROGRAM.—The provisions of subsections (b)(7)(A), (d)(2), and (i) of section 503 of the Small Business Investment Act of 1958, as amended by this subsection, shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of making guarantees under those amended provisions.

(d) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) or 7(b)(4) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title III or V of the Small Business Investment Act of 1958 (15 U.S.C. 697a), during the 1-year period beginning on the date of enactment of this Act, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(e) USE OF FUNDS FOR 7(a) AND 7(a) EMERGENCY RELIEF LOAN PROGRAMS.—The provisions of paragraphs (2), (18), and (31) of section 7(a) of the Small Business Act, as amended by this Act, shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of making guarantees under those amended provisions.

SEC. 7. APPROVAL PROCESS.

Notwithstanding any other provision of law, the Administrator of the Small Business Administration may adopt such approval processes as the Administrator determines, after consultation with the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, to be appropriate in order to make assistance under this Act and the amendments made by this Act available to all eligible small business concerns.

SEC. 8. OTHER SPECIALIZED ASSISTANCE AND MONITORING AUTHORIZED.

(a) ADDITIONAL SBDC AUTHORITY.—

(1) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(A) in subparagraph (S), by striking ''and'' at the end;

(B) in subparagraph (T), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(U) providing individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected, directly or indirectly, by the terrorist attacks on September 11, 2001.''.

(2) WAIVER OF MATCHING REQUIREMENTS.—Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended by inserting before the period the following: '', except that the matching requirements of this paragraph do not apply with respect to any assistance provided under subsection (c)(3)(U)''.

(b) ADDITIONAL SCORE AUTHORITY.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B) is amended—

(1) by inserting ''(i)'' after ''(B)''; and

(2) by adding at the end the following:

''(ii) The functions of the Service Corps of Retired Executives (SCORE) shall include the provision of individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected by the terrorist attacks on September 11, 2001.''.

(c) ADDITIONAL MICROLOAN PROGRAM AUTHORITY.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following:

''(14) ASSISTANCE AFTER TERRORIST ATTACKS OF SEPTEMBER 11, 2001.—Amounts made available under this subsection may be used by intermediaries to provide individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected by the terrorist attacks on September 11, 2001.''.

(d) ADDITIONAL WOMEN'S BUSINESS DEVELOPMENT CENTER AUTHORITY.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns owned and controlled by women that were adversely affected by the terrorist attacks on September 11, 2001.''; and

(2) in subsection (c), by adding at the end the following:

''(5) WAIVER OF MATCHING REQUIREMENTS.—A recipient organization shall not be subject to the non-Federal funding requirements of paragraph (1) with respect to assistance provided under subsection (b)(4).''.

(e) ADDITIONAL SBIC AUTHORITY.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

''(k) AUTHORITY AFTER TERRORIST ATTACKS OF SEPTEMBER 11, 2001.—Small business investment companies are authorized and encouraged to provide equity capital and to make loans to small business concerns pursuant to sections 304(a) and 305(a) of the Small Business Investment Act of 1958, respectively, for the purpose of providing assistance to small business concerns adversely affected by the terrorist attacks on September 11, 2001.''.

SEC. 9. STUDY AND REPORT ON EFFECTS ON SMALL BUSINESS CONCERNS.

(a) STUDY.—

(1) IN GENERAL.—The Office of Advocacy of the Small Business Administration shall conduct annual studies for a 5-year period on the impact of the terrorist attacks perpetrated against the United States on September 11, 2001, on small business concerns, and the effects of assistance provided under this Act on such small business concerns.

(2) CONTENTS.—The study conducted under paragraph (1) shall include information regarding—

(A) bankruptcies and business failures that occurred as a result of the events of September 11, 2001, as compared to those that occurred in 1999 and 2000;

(B) the loss of jobs, revenue, and profits in small business concerns as a result of those events, as compared to those that occurred in 1999 and 2000;

(C) the impact of assistance provided under this Act to small business concerns adversely affected by those attacks, including information regarding whether—

(i) small business concerns that received such assistance would have remained in business without such assistance;

(ii) jobs were saved due to such assistance; and

(iii) small business concerns that remained in business had increases in employment and sales since receiving assistance.

(b) REPORT.—The Office of Advocacy shall submit a report to Congress on the studies required by subsection (a)(1), specifically addressing the requirements of subsection (a)(2) in September of each of fiscal years 2002 through 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $500,000 for each of fiscal years 2002 through 2006.

SEC. 10. EMERGENCY EQUITABLE RELIEF FOR FEDERAL CONTRACTORS.

(a) GUIDANCE REQUIRED.—

(1) IN GENERAL.—Under guidance issued by the Administrator for Federal Procurement Policy in conjunction with the Administrator of the Small Business Administration, the head of a contracting agency of the United States may increase the price of a contract entered into by the agency that is performed by a small business concern (as defined in section 3 of the Small Business Act) to the extent determined equitable under this section on the basis of loss resulting from security measures taken by the Federal Government at Federal facilities as a result of the terrorist attacks on September 11, 2001.

(2) EXPEDITED ISSUANCE.—Guidance required by paragraph (1) shall be issued under expedited procedures, not later than 20 days after the date of enactment of this Act.

(b) EXPEDITED PROCEDURES.—

(1) IN GENERAL.— The Administrator for Federal Procurement Policy shall prescribe expedited procedures for considering whether to grant an equitable adjustment in the case of a contract of an agency under subsection (a).

(2) REQUIREMENTS.—The procedures required by paragraph (1) shall provide for—

(A) an initial review of the merits of a contractor's request by the contracting officer concerned with the contract;

(B) a final determination of the merits of the contractor's request, including the value of any price adjustment, by the Head of the Contracting Agency, in consultation with the Administrator of the Small Business Administration, taking into consideration the initial review under subparagraph (A); and

(C) payment from the fund established under subsection (d) for the contract's price adjustment.

(3) TIMING.—The procedures required by paragraph (1) shall require completion of action on a contractor's request for adjustment not later than 30 days after the date on which the contractor submits the request to the contracting officer concerned.

(c) AUTHORIZED REMEDIES.—In addition to making a price adjustment under subsection (a), the time for performance of a contract may be extended under this section.

(d) PAYMENT OF ADJUSTED PRICE.—

(1) FUND ESTABLISHED.—The Administrator of the Small Business Administration shall establish a fund for the payment of contract price adjustments under this section. Payments of amounts for price adjustments shall be made out of the fund.

(2) AVAILABILITY.—Notwithstanding any other provision of law, amounts in the fund under this subsection shall remain available until expended.

(e) TERMINATION OF AUTHORITY.—

(1) REQUESTS.—No request for adjustment under this section may be accepted more than 330 days after the date of enactment of this Act.

(2) TERMINATION.—The authority under this section shall terminate 1 year after the date of enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Small Business Administration to carry out this section, $100,000,000, including funds for administrative expenses and costs. Any funds remaining in the fund established under subsection (d) 1 year after the date of enactment of this Act shall be transferred to the disaster loan account of the United States Small Business Administration.

SEC. 11. REPORTS TO CONGRESS.

(a) REPORTS REQUIRED.—The Administrator of the Small Business Administration shall submit regular reports to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the implementation of this Act and the amendments made by this Act, including program delivery, staffing, and administrative expenses related to such implementation.

(b) FREQUENCY OF REPORTS.—The reports required by subsection (a) shall be submitted on November 15, 2001, and December 15, 2001, and quarterly thereafter through December 31, 2003.

SEC. 12. EXPEDITED ISSUANCE OF IMPLEMENTING GUIDELINES.

Not later than 20 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue interim final rules and guidelines to implement this Act and the amendments made by this Act.

SEC. 13. INCREASED AUTHORIZATIONS OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (h)(1)(B)—

(A) by striking ''$20,050,000,000'' and inserting ''$24,050,000,000'';

(B) by striking ''15,000,000,000'' and inserting ''$17,000,000,000''; and

(C) by striking ''$4,500,000,000'' and inserting ''$6,500,000,000'';

(2) in subsection (h)(1)(C)—

(A) by striking ''$3,500,000,000'' and inserting ''$4,200,000,000''; and

(B) by striking ''$2,500,000,000'' and inserting ''$2,700,000,000'';

(3) in subsection (i)(1)(B)—

(A) by striking ''21,550,000,000'' and inserting ''$25,550,000,000'';

(B) by striking ''$16,000,000,000'' and inserting ''$18,000,000,000''; and

(C) by striking ''$5,000,000,000'' and inserting ''$7,000,000,000'';

(4) in subsection (i)(1)(C)—

(A) by striking ''$4,000,000,000'' and inserting ''$4,700,000,000''; and

(B) by striking ''$3,000,000,000'' and inserting ''$3,200,000,000''; and

(5) by adding at the end the following:

''(j) SPECIAL AUTHORIZATIONS OF APPROPRIATIONS FOLLOWING TERRORIST ATTACKS.—In addition to any other amounts authorized by this Act for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended—

''(1) for fiscal year 2002 and each fiscal year thereafter, such sums as may be necessary to carry out paragraph (4) of section 7(b), including necessary loan capital and funds for administrative expenses related to making and servicing loans pursuant to that paragraph;

''(2) for fiscal year 2002, $25,000,000, to be used for activities of small business development centers pursuant to section 21(c)(3)(U)—

''(A) $2,500,000 of which shall be used to assist small business concerns (as that term is defined for purposes of section 7(b)(4)) located in the areas of New York and the contiguous areas designated by the President as a disaster area following the terrorist attacks on September 11, 2001; and

''(B) $1,500,000 of which shall be used to assist small business concerns located in areas of Virginia and the contiguous areas designated by the President as a disaster area following those terrorist attacks;

''(3) for fiscal year 2002, $2,000,000, to be used under the Service Corps of Retired Executives program authorized by section 8(b)(1) for the activities described in section 8(b)(1)(B)(ii);

''(4) for fiscal year 2002, $5,000,000 for microloan technical assistance authorized under section 7(m)(14);

''(5) for fiscal year 2002, $2,000,000 to be used for activities of women's business centers authorized by section 29(b)(4);

''(6) for fiscal year 2002 and each fiscal year thereafter, such sums as may be necessary to carry out paragraphs (2)(E), (18)(C), and (31) of section 7(a), including any funds necessary to offset fees and amounts waived or reduced under those provisions, necessary loan capital, and funds for administrative expenses; and

''(7) for fiscal year 2002, and each fiscal year thereafter, such sums as may be necessary to carry out the 1-year suspension of fees under subsections (b)(7)(A), (d)(2), and (i) of section 503 of the Small Business Investment Act of 1958, in response to the terrorist attacks on September 11, 2001, including any funds necessary to offset fees and amounts waived under those provisions and including funds for administrative expenses.''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on November 13, 2001, in SR–328A at 3 p.m. The purpose of this business meeting will be to discuss the new Federal farm bill.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee

on Agriculture, Nutrition, and Forestry will conduct a business meeting on November 14, 2001, in SR–328A at 10 a.m. The purpose of this business meeting will be to discuss the new Federal farm bill.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on November 15, 2001, in SR–328A at 8:30 a.m. The purpose of this business meeting will be to discuss the new Federal farm bill.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, November 15, at 9 a.m., in SR–301, Russell Senate Office Building, to receive testimony from the Capitol Police Board on the Perimeter Security Plan and on matters involving security for the Capitol complex.

For further information regarding this hearing, please contact Kennie Gill at the Rules Committee on 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet to conduct a business meeting during the session of the Senate on Tuesday, November 13, 2001. The purpose of this business meeting will be to discuss the new Federal farm bill.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, November 13, 2001, at 2:30 p.m., to conduct an oversight hearing on ''Lead-Based Paint Poisoning: State and Local Responses.''

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Tuesday, November 13, 2001, at 9:30 a.m., for a hearing entitled ''Review of INS Policy on Releasing Illegal Aliens Pending Deportation Hearing.''

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Luis Rivera and Gary Swilley, legislative fellows, and Scott Donelly, Alex Rodriguez, and Jon Stewart, interns with the Committee on Finance, be granted floor privileges during the consideration of H.R. 3090, including all rollcall votes thereon.

I further ask unanimous consent that the following staff of the Joint Committee on Taxation be granted floor privileges during the consideration of H.R. 3090, including all rollcall votes thereon: Thomas A. Barthold, Ray Beeman, John H. Bloyer, Nikole Clark, Roger Colinvaux, Brian Derdowski, H. Benjamin Hartley, Harold E. Hirsch, Deirdre James, Lauralee A. Matthews, Patricia McDermott, Brian Meighan, John F. Navratil, Joseph W. Nega, David Noren, Samuel Olchyk, Oren S. Penn, Cecily W. Rock, Heidi Schmid, Mary M. Schmitt, Carolyn E. Smith, and Barry L. Wood.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that my interns, Grace Pandiphurai, Jeremy Mishler, and Brian Fitzgerald, be granted the privilege of the floor for the duration of the economic stimulus debate.

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

AUTHORIZING THE 2002 WINTER OLYMPICS TORCH RELAY TO COME ONTO THE CAPITOL GROUNDS

Mr. REID. Madam President, I ask consent the Senate proceed to S. Con. Res. 82, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 82) authorizing the 2002 Winter Olympic Torch Relay to come onto the Capitol Grounds.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent that the resolution and preamble be adopted, the motion to reconsider be laid on the table, and any statements related to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 82) was agreed to.

The preamble was agreed to.

(The text of the resolution, with its preamble, is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

NATIONAL DAY OF RECONCILIATION

Mr. REID. I ask unanimous consent the Senate proceed to S. Con. Res. 83, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 83) providing for a National Day of Reconciliation.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to this resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 83) was agreed to.

(The text of the resolution is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

POLICY OF THE UNITED STATES AT MEETING OF INTERNATIONAL CONVENTION FOR CONSERVATION OF ATLANTIC TUNAS

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 180, introduced earlier today by Senators KERRY and SNOWE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 180) expressing the sense of the Senate regarding the policy of the United States at the 17th Regular Meeting of the International Convention for the Conservation of Atlantic Tunas in Murcia, Spain.

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

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements related thereto be printed in the RECORD.

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

The resolution (S. Res. 180) was agreed to.

The preamble was agreed to.

(The text of the resolution, with its preamble, is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

MEASURE INDEFINITELY POSTPONED—S. 1460

Mr. REID. Madam President, I ask unanimous consent that S. 1460 be indefinitely postponed.

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

ORDERS FOR WEDNESDAY, NOVEMBER 14, 2001

Mr. REID. I ask unanimous consent when the Senate completes its business

today, it adjourn until the hour of 10:30 a.m. tomorrow, Wednesday, November 14; that following the prayer and the pledge, the Journal or 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 Economic Recovery and Homeland Security Act.

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

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Wednesday, November 14, 2001, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate November 13, 2001:

THE JUDICIARY

EDITH BROWN CLEMENT, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

HOUSE OF REPRESENTATIVES—*Tuesday, November 13, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. WHITFIELD).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 13, 2001.

I hereby appoint the Honorable ED WHITFIELD to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

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

H. Con. Res. 130. Concurrent Resolution authorizing printing of the book entitled ''Asian and Pacific Islander Americans in Congress''.

H. Con. Res. 264. Concurrent Resolution expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism.

MORNING HOUR DEBATES

The SPEAKER pro tempore. 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 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

AVIATION SECURITY

Mr. DEFAZIO. Mr. Speaker, it has been 2 months since terrorists used our civilian airliners as weapons of mass destruction. Yet we have not made major changes in aviation security here in the United States Congress. A few steps have been taken by executive order, by the FAA administrator, by orders from the President and the Secretary of Transportation. Reinforcement of flight deck doors. We have got people looking over the shoulders of the private security firms, whatever good that does if you do not watch them every second of every day. But the major things that need to be done need to be done by statute, by change in the law. Yet it is not yet done.

How could it take so long? Well, there is a major hang-up and the major hang-up is that the majority whip and the majority leader, the gentleman from Texas (Mr. DELAY) and the gentleman from Texas (Mr. ARMEY), are adamantly and absolutely opposed to true federalization of aviation security at the airports, that is, taking the failing private security firms, putting them out of business, which is what they deserve, and bringing in Federal law enforcement just like we have outside the doors of this Chamber and at many other Federal installations to provide security around the country to make certain that people do not bring weapons on board airplanes and smuggle weapons or bombs into baggage and other critical areas of the airports.

They say, well, we will more closely supervise those private firms. Well, the record is pretty miserable. Since September 11, there have been 24 incidents, major breaches of airport security by these same private firms. Twenty-four in 2 months. That is better than they usually do because actually over the last 5 years they have averaged one breach that was finable or prosecutable a day for the last 5 years. So they are doing better. About 50 percent of the days, they are doing a pretty good job, or at least as far as we know.

But the failures are pretty notable: the guy with the seven knives, the stun gun and the mace in Chicago; the honest passenger on board Southwest Airlines who rang his call button and asked the flight attendant to come and take his loaded gun because he forgot it was in his briefcase and opened his briefcase on the plane; the concourses and planes that had to be returned to concourses because people were waved through security. At Logan, one of the Argenbright folks actually saw a weapon go through the screening device, but they were in the middle of their nap or their trance; and the person was long gone down the concourse before they said, oh, wait a minute, I saw a knife or a weapon about 5 minutes ago, and they had to empty out the concourse.

They say they will do better. I do not believe that these firms will do better. They say they will be better supervised. What is better supervision than probation? Argenbright, the largest private security firm in the United States of America, owned by Securicor of Europe, was last year convicted, criminally convicted. Unfortunately, none of their executives went to jail. That might have gotten their attention. They did not. But they were criminally convicted of hiring known felons, maintaining known felons on staff, falsifying documents of the Federal Government regarding the training of employees and the background checks of employees. They were fined $1.5 million and put on probation. Well, guess what? About a month ago, they were found to be in violation of their probation. For doing what? Hiring and maintaining known felons on staff, falsifying Federal documents. They are going to be fined again, and their probation is going to be extended.

This is closer supervision? What closer supervision can you provide, except, as I said, maybe to put some of these executives of these failing private firms in jail, you will get their attention. Maybe that would shape them up. But I think the cleaner way to deal with this is the way we deal with other Federal Government law enforcement functions, and, that is, to admit it is a law enforcement function and put qualified law enforcement personnel in all of the critical places, in all our airports to assure the safety of the flying public.

Two months is way too long to delay. And it will be extraordinary if because of the opposition to Federal law enforcement by a few Members of the majority that this Congress before the busiest travel weekend of the year, Thanksgiving, does not act in the long-term interests of security and the flying public. We have an opportunity this week. The bill must get done.

ATTORNEY GENERAL'S PATTERN OF DISTURBING ACTIONS IN MIDST OF BATTLE AGAINST TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK. Mr. Speaker, I am troubled by the pattern that appears to be emerging within the U.S. Justice Department under the leadership of the Attorney General of deviating from what ought to be the course of action

appropriate right now. We were victimized on September 11 by a fiendish, unfortunately skillful group of mass murderers who wreaked terrible destruction on innocent people. And clearly a tough, effective law enforcement response is one of the things that is called for. We worked hard in the Congress to enhance the law enforcement powers of the Federal authorities. There was virtual unanimity that they should be given increased surveillance powers.

In the end, some of us were disappointed that some safeguards we had devised were not in the final bill and some of us opposed it, but we did not oppose it because we opposed the enhanced surveillance powers. We agreed on those. We should be going further. Congress is partly guilty of having insufficiently funded the Immigration Service and others who are our first line of defense. There is broad support in the Congress and in the country for this kind of increased law enforcement, but I fear that the Attorney General's actions may be jeopardizing that consensus and he is introducing into a subject that ought to be one of virtual unanimity a degree of conflict.

First, we have a couple of issues that ought not to have been pursued at this time. In my judgment, they should not have been pursued at all. But recently the Attorney General, in the midst of telling us that he is going to reorient the FBI and reorient the Justice Department to focus on terrorism, at a time when we know we have done a poor job of keeping track of people admitted into this country for limited periods and limited purposes, we have done a poor job of enforcing those limits, the Attorney General is engaged in a couple of ideological crusades, in both cases ignoring referenda passed by two States. States' rights is sometimes respected by my conservative colleagues; but it is sometimes, I guess when it gets in the way of their ideology, ignored.

The people of Oregon twice voted in a referendum to allow doctors to help with suicides. People outside of Oregon may not like it, that is their right; but that was the vote of the people of Oregon. There was an effort by the Congress to overturn that. While the House passed the bill, the Senate rejected it so the law was not changed. The Attorney General has nonetheless found time in this fight to divert energies into trying to overrule, in effect, the vote of the people of Oregon.

Similarly, the people of California and many other States voted to allow the medical prescription of marijuana. The Attorney General simply again diverted law enforcement efforts to go after people who were guilty only of trying to use marijuana to alleviate their pain.

And even more troubling is what is going on in law enforcement itself. Yes, all the powers available to law enforcement should be used to protect us against terrorists. But a refusal by the Justice Department to tell us exactly what numbers of people are being detained, how many are being released, what are the conditions of the detention, those serve no law enforcement purpose.

□ 1245

What they do is raise questions in people's minds about whether or not powers are abused. If people fear powers are abused, we will resist granting those powers. In fact, there are powers that ought to be there.

The Attorney General disservices our effort by allowing controversy to exist where it should not. The most recent announcement that monitoring of conversations will now take place between people who have been confined and their lawyers is very disturbing. Remember, we are not talking here about terrorists having their conversations overheard. We are talking about people who have been detained; who have been convicted of no crime; who are guilty, as far as we know, maybe of something, maybe of nothing, but who have not had any adjudication; and we are talking about monitoring their lawyers' conversations.

Now, the Justice Department acknowledges that to do that in a way that was relevant to a trial would not be permissible, so we are told that we will monitor those conversations, but information gained in that monitoring would not be admissible at trial.

Mr. Speaker, I am afraid that invites judicial intervention, so that if they do proceed in some cases with a trial and a conviction, that could be jeopardized.

We have past experience. We have the case of Wen Ho Lee, an American citizen who was accused of espionage, and the FBI abused his rights. A Federal judge criticized the FBI for that.

That is the point we want to make. We are not talking here about defending terrorists; we are not talking about defending people who are guilty. We are talking about the rights of people who have been accused of crimes to prepare their defense.

I hope the Attorney General reconsiders this pattern of disturbing actions.

RECESS

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 2 p.m.

PRAYER

The Reverend Vincent A. Cummings, Chaplain, Captain, United States Air Force Reserve, Nashville, Tennessee, offered the following prayer:

Father, we gather here today as public servants, assembled collectively inside this, the United States House of Representatives. Use us as instruments of Your will. We thank You for the life, health, wisdom and love You have bestowed upon our Nation.

First, we ask that You confer upon us, whether rich or poor in spirit, Your most holy traits of mercy and humility. Place a burden on the hearts of these legislators for those who have the least. Let them constantly remember their duties to their citizens, but most of all, those who are the meekest: the homeless, the poor, and the oppressed. Anoint these great men and women to also be protectors of the future, our children, and never allow them to forsake their well-being for the interests of the present.

Continue also to develop the tenets of selfless service and honorable character in all of us, as we serve this great country as its leaders. Teach us to do what is right for all time, not what is acceptable for the moment at hand. Let us also remember that freedom is not free. As witnessed through our Nation's recently shed blood, a price was paid for the liberty we now enjoy. Show us that Your grace must coincide with the justice we diligently pursue. Never again let us have words and promises take the place of deeds and actions.

Finally, hold us accountable to a higher standard when our personal judgment takes place. Examine us upon what we did to make these, our United States of America, a better place for all. Peer into our hearts and see the humility, the grace, and the courage to have made the best decisions for those we serve. But, most of all, judge us on how well we loved our brothers and sisters, the citizens of the United States of America, through our acts as their servant leaders.

May God continue to bless all of you, the elected representatives of the House, and may God continue to bless these, our United States of America. 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.

PLEDGE OF ALLEGIANCE

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

Mr. CLEMENT 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.

INTRODUCTION OF THE REVEREND VINCENT CUMMINGS

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

Mr. CLEMENT. Mr. Speaker, I have the privilege today of introducing to my colleagues my constituent, the Reverend Vincent Cummings, who just gave the prayer.

Reverend Cummings represents the North American Mission Board of the Southern Baptist Convention. He currently serves as Associate Pastor for Calvary Baptist Church located in Nashville, Tennessee. He is also a candidate for the Master of Public Administration degree at Tennessee State University Institute of Government.

In addition, Captain Vincent A. Cummings is a chaplain with the 932nd Airlift Wing, United States Air Force Reserve Command.

As our men and women overseas continue to wage war against terrorism in Afghanistan, people like Chaplain Cummings minister to the spiritual needs of our military. His service is invaluable, and I commend him for his dedication to serving our country. Our National Guard and Reserve forces are playing a critical role in protecting our country at home and abroad.

As a retired member of the Tennessee National Guard, I know firsthand how important our chaplains are. They provide guidance in times of confusion, solace in times of distress, and comfort in times of sadness.

I want to welcome him here today and thank him for his guidance. I want to thank our wonderful chaplain, Chaplain Coughlin, who, as our U.S. House of Representatives chaplain, has made us proud and is a true man of God. God bless.

WESTERN SAHARA

(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 new king of Morocco, King Mohammed VI, seems intent on renewing conflict in Western Sahara. The King recently visited Moroccan troops stationed in the Occupied Territory of Western Sahara to celebrate the 1975 anniversary of the Moroccan invasion. The King initiated new oil contracts for Western Saharan land with American and French companies. The King of Morocco is acting as if Western Sahara is Moroccan territory.

The 1975 International Court of Justice decision clearly states there are no ties, quote, ''of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco.''

The Sahrawi people love democracy and the American people and have rebuffed attempts by rogue nations to get involved in their conflicts. The provocative acts of King Mohammed VI could plunge North Africa into conflict and instability, a perfect opportunity for the terrorist extremists in Morocco to attack innocent Moroccans, Algerians, and others.

Morocco's continued blocking of the referendum for the Sahrawis makes it quite possible that hostilities could resume. I urge the Moroccan Government to stick to the original agreements arrived at under the United Nations.

WE NEED TRADE PROMOTION AUTHORITY

(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, it has been said that nothing will ever be attempted if all possible objections must first be overcome.

Mr. Speaker, the bipartisan compromise on Trade Promotion Authority has not overcome every possible objection. But it is far closer to that goal than many of us thought possible. We have addressed Members' concerns in a bipartisan fashion, working in good faith to created consensus. Now it appears new objections have been raised. These objections are not constructive. They were meant to derail this legislation, not improve it.

We can always find new reasons to maintain the status quo, but it is time to drop extraneous objections and acknowledge the fundamental benefits of trade.

Trade Promotional Authority will allow us to finally make serious progress in the effort to forge new trade agreements that benefit our constituents. Without TPA we can give up any notion of leading the world in opening new markets, promoting worker protection, and setting international technological standards. And by refusing to entrust our negotiators with the authority to move ahead on trade agreements, we are crippling American industries.

Mr. Speaker, it is time to consider this issue on its merits rather than politics. We must set aside our differences and recognize that the compromise embodied in H.R. 3005 will benefit the American people.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WHITFIELD) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 13, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on November 9, 2001 at 4:20 p.m. and said to contain a message from the President whereby he submits a certification report concerning China's accession to the WTO in accordance with P.L. 106–286.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

REPORT ON CERTIFICATION OF TERMS AND CONDITIONS FOR ACCESSION OF PEOPLE'S REPUBLIC OF CHINA TO WORLD TRADE ORGANIZATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–146)

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 Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with the requirements of Public Law 106–286, I hereby transmit the attached report certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

GEORGE W. BUSH.
THE WHITE HOUSE, *November 9, 2001.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit three sealed envelopes received from the White House on November 9, 2001, at 12:05 p.m. and said to contain messages from the President whereby he transmits a copy of a 6-month periodic report concerning the emergency with Iran first declared in Executive Order 12170 of November 14, 1979; a copy of a notice filed with the *Federal Register* continuing the

emergency with Iran first declared in Executive Order 12170 of November 14, 1979; and a copy of a notice filed with the *Federal Register* continuing the emergency concerning weapons of mass destruction first declared in Executive Order 12938 of November 14, 1994.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk of the House.

CONTINUATION OF EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–147)

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:

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 to the *Federal Register* for publication. The notice states that the national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons declared by Executive Order 12938 on November 14, 1994, is to continue in effect beyond November 14, 2001. The most recent notice continuing this emergency was published in the *Federal Register* on November 13, 2000 (65 Fed. Reg. 68063).

The proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared on November 14, 1994, regarding weapons of mass destruction, beyond November 14, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *November 9, 2001.*

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO THE 1979 IRANIAN EMERGENCY AND ASSETS BLOCKING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–148)

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 periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

GEORGE W. BUSH.
THE WHITE HOUSE, *November 9, 2001.*

CONTINUATION OF IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–149)

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:

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 Iran emergency declared by Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2001, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on November 13, 2000 (65 Fed. Reg. 68061).

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *November 9, 2001.*

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions 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 motions to suspend the rules ordered prior to 6:30 p.m. will be taken today.

Record votes on remaining motions to suspend the rules will be taken tomorrow.

□ 1415

ENHANCED PROTECTIVE ACTIVITIES ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2541) to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities, as amended.

The Clerk read as follows:

H.R. 2541

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 ''Enhanced Protective Activities Act of 2001''.

SEC. 2. STATE DEPARTMENT SPECIAL AGENT AUTHORITIES.

Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) in the course of performing the functions set forth in paragraphs (1) and (3), obtain and execute search and arrest warrants, as well as obtain and serve subpoenas and summonses, issued under the authority of the United States;'';

(2) in paragraph (3)(F) by inserting ''or President-elect'' after ''President''; and

(3) by striking paragraph (5) and inserting the following:

''(5) in the course of performing the functions set forth in paragraphs (1) and (3), make arrests without warrant for any offense against the United States committed in the presence of the special agent, or for any felony cognizable under the laws of the United States if the special agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony.''.

SEC. 3. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) GENERALLY.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 117. Interference with protective functions

''(a) Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) shall be fined under this title or imprisoned not more than one year, or both.

''(e) Whoever engages in any conduct—

''(1) directed against an individual entitled to protection under section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709, and

''(2) which would constitute a violation of section 112 or 878 if such individual were a foreign official, an official guest, or an internationally protected person, shall be subject

to the same penalties as are provided for such conduct directed against an individual subject to protection under such section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''117. Interference with protective functions.''.

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SMITH of New Jersey. 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. 2541, the bill under consideration.

The SPEAKER pro tempore. 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 myself such time as I may consume.

I rise in strong support of H.R. 2541, a bill to enhance the authorities of the Diplomatic Security Service agents at the U.S. Department of State.

The measure before us includes an amendment that was recommended by the Committee on the Judiciary. The bill was drafted in consultation with the State Department. I want to thank and congratulate the author of the bill, the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and the gentleman from California (Mr. LANTOS), the ranking democrat and member of the committee, who was a principal cosponsor of the legislation.

The provisions clarify and expand the circumstances in which subpoena and arrest authority is available for State Department diplomatic security officers who often find themselves on the front line of defense against terrorism and other threats to our national security.

Mr. Speaker, H.R. 2541 authorizes diplomatic security special agents to obtain and execute search warrants, subpoenas or summonses as those relate to their protective duties and to passport and visa fraud investigations. It also permits agents, in the course of conducting their investigative or protective duties, to make arrests without warrant for offenses committed in their presence or in certain other compelling circumstances, just as other Federal law enforcement officers are now empowered to do.

The bill also allows diplomatic security agents to make misdemeanor arrests of persons obstructing or impeding agents in the performance of their protective functions.

Finally, Mr. Speaker, H.R. 2541 fixes a disconnect in current law in which the Secretary of State may authorize protection of distinguished visitors, but where it does not make it a Federal crime to attack such visitors. Current law only criminalizes attacks on distinguished visitors protected by the Diplomatic Security Services when they are ''official'' visitors.

There are occasions in which such protective services may appropriately be authorized for visitors who are technically official, such as, for instance, the Dalai Lama or Salman Rushdie. So this legislation ensures that diplomatic security officers will be empowered to arrest people who assault anyone who is lawfully under their protection.

Mr. Speaker, I urge Members to support this bill.

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

Mr. LANTOS. Mr. Speaker, I yield myself as much time as I might consume, and I rise in strong support of this bill.

I want to thank the gentleman from Illinois (Mr. HYDE) for introducing this legislation, which provides expanded authority to the agents of the Department of State's diplomatic service to enable them to carry out their protective functions more effectively.

These authorities are being requested by the administration, Mr. Speaker. In the current situation, when we are fighting a global war against terrorism, it is absolutely crucial that the State Department have all the authority it needs for the protective and law enforcement functions of the diplomatic service agents.

The agents in our diplomatic service in the Department of State regularly risk life and limb to protect not only our diplomatic facilities both here and abroad, the men and women who work in them, but also foreign officials and important guests of the United States.

The Diplomatic Security Service, Mr. Speaker, is also at the front line of our homeland security efforts as they conduct visa and passport fraud investigations. Our bill provides them with all the authority that they need to effectively carry out these functions.

Mr. Speaker, we have embarked on a new kind of conflict since September 11, 2001. We need to provide all the authorities and all the support not only for our men and women in uniform but also to our diplomats and other government officials who are working actively to make sure that we prevail in this conflict.

I urge all of my colleagues to support this bill.

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

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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. 2541, 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. LANTOS. 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.

COMMENDING DAW AUNG SAN SUU KYI ON THE 10TH ANNIVERSARY OF HER RECEIVING THE NOBEL PEACE PRIZE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 211) commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of the Congress with respect to the Government of Burma, as amended.

The Clerk read as follows:

H. CON. RES. 211

Whereas since 1962, the people of Burma have lived under a repressive military regime;

Whereas in 1988, the people of Burma rose up in massive prodemocracy demonstrations;

Whereas in response to this call for change, the Burmese military brutally suppressed these demonstrations;

Whereas opposition leader Daw Aung San Suu Kyi was placed under house arrest after these demonstrations;

Whereas in the 1990 Burmese elections, Daw Aung San Suu Kyi led the National League for Democracy and affiliated parties to a landslide victory, winning 80 percent of the parliamentary seats;

Whereas the ruling military regime rejected this election and proceeded to arrest hundreds of members of the National League for Democracy;

Whereas Daw Aung San Suu Kyi's freedom of speech was restricted by the military regime;

Whereas in recognition of her efforts to bring democracy to Burma, Daw Aung San Suu Kyi was awarded the Nobel Peace Prize on October 14, 1991;

Whereas Daw Aung San Suu Kyi remained under unlawful house arrest until 1995;

Whereas even after her release, the Burmese military regime, known as the State Peace and Development Council (SPDC), has continued to ignore the basic human rights of 48,000,000 Burmese citizens and has brutally suppressed any opposition to its authority;

Whereas according to the State Department, the SPDC has made no significant progress toward stopping the practice of human trafficking, whereby thousands of people have been sent to Thailand for the purpose of factory and household work and for sexual exploitation;

Whereas the SPDC has forced civilians to work in industrial, military, and infrastructure construction operations throughout

Burma, and on a large-scale basis has targeted ethnic and religious minorities for this work;

Whereas a Department of Labor report in 2000 described the human rights abuses of forced laborers, including beating, torture, starvation, and summary executions;

Whereas the worldwide scourge of heroin and methamphetamines is significantly aggravated by large-scale cultivation and production of these drugs in Burma;

Whereas the Drug Enforcement Agency has reported that Burma is the world's second largest producer of opium and opiate-based drugs;

Whereas officials in Thailand have estimated that as many as 800 million tablets of methamphetamine will be smuggled into their country this year, contributing to the growing methamphetamine problem in Thailand;

Whereas there are as many as a million internally displaced persons in Burma;

Whereas the SPDC has severely restricted Daw Aung San Suu Kyi's political activities;

Whereas in September 2000, Daw Aung San Suu Kyi was placed under house arrest when she attempted to visit a National League for Democracy party office on the outskirts of Rangoon, and again when she attempted to travel by train to Mandalay;

Whereas Daw Aung San Suu Kyi has recently begun talks with the SPDC which are welcomed by the international community, although the slow pace of the talks reflects on the SPDC's sincerity to move toward national reconciliation;

Whereas the SPDC has recently allowed the National League for Democracy to open some political offices, and has released some political prisoners, although over 1,800 such prisoners are believed to remain imprisoned;

Whereas with the exception of these positive developments the SPDC has made little progress in improving human rights conditions and restoring democracy to the country;

Whereas the SPDC has continued to restrict the political power of Daw Aung San Suu Kyi and the National League for Democracy;

Whereas Daw Aung San Suu Kyi's struggle to assert the rights of her people has spread beyond politics and into popular culture, as evidenced by others championing her cause, most notably the rock group U2 in their song ''Walk On'', which is banned in Burma; and

Whereas, in the face of oppression, Daw Aung San Suu Kyi has remained an outspoken champion of democracy and freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress commends and congratulates Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize, and recognizes her remarkable contributions and tireless work toward bringing peace and democracy to Burma;

(2) it is the sense of the Congress that the President and Secretary of State should continue to encourage the Government of Burma to restore basic human rights to the Burmese people, to eliminate the practice of human trafficking, to address the manufacture of heroin and methamphetamines, to continue the process of releasing political prisoners, to recognize the results of the 1990 democratic elections, and to allow Daw Aung San Suu Kyi and the National League for Democracy to enjoy unfettered freedom of speech and freedom of movement; and

(3) it is the sense of the Congress that Daw Aung San Suu Kyi should be invited to address a joint meeting of the Congress at such time and under such circumstances as will, in the judgment of Daw Aung San Suu Kyi, advance rather than endanger her continued ability to work within Burma for the rights of the Burmese people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SMITH of New Jersey. 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 concurrent resolution now under consideration.

The SPEAKER pro tempore. 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 myself such time as I may consume.

I urge a unanimous vote in favor of this important resolution which makes clear that continued strong support of Congress for freedom and democracy in Burma and for the struggle of Nobel Laureate Aung San Suu Kyi and the National League of Democracy to assert the fundamental rights of the Burmese people.

I want to thank and congratulate the gentleman from New York (Mr. KING) and the 35 bipartisan cosponsors of this timely and important resolution.

Mr. Speaker, the manager's amendment, which is included in the text, now makes technical and drafting changes and has been agreed to by the chairman and the gentleman from California (Mr. LANTOS) on the Democratic side of the aisle.

Mr. Speaker, 10 years ago this month, the Nobel Committee recognized what the whole world knew, that the only way to restore peace and prosperity to the once-proud nation of Burma was to restore legitimacy. Burma is different from most other countries in which power is wielded by a totalitarian dictatorship, in that we do not have to theorize what would they do if they had the opportunity. The people had the opportunity, and they chose to govern themselves.

Eleven years ago, the military dictatorship did allow an election, which they figured they would be able to win by fraud and by dividing and conquering the different ethnic groups that comprise the nation of Burma; but to their shock, dismay and surprise, the reformers won with an overwhelming support from all ethnic groups in all parts of the country. So the dictatorship simply canceled the results of the election.

Nevertheless, it laid to rest any doubt about the desire of the Burmese people, the earnest desire for freedom and democracy and about the fundamental illegitimacy of the military junta that has continued to govern Burma.

This resolution commends and rightfully commends Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize. She is a great leader. That anniversary occurred on October 14 of this year. The resolution also describes the suppression of freedom and democracy by the Burmese military junta and the continuing struggle of Aung San Suu Kyi and the National League for Democracy to assert the rights, legitimate rights, of the Burmese people.

It declares the sense of the Congress that the U.S. Government should continue to encourage the government of Burma to restore basic human rights to the Burmese people; to eliminate the practice of human trafficking; to address the manufacture of heroin; and to continue the process of releasing political prisoners; to recognize the result of the 1990 elections; and to allow Aung San Suu Kyi and the National League for Democracy to enjoy unfettered freedom of speech and freedom of movement.

Finally, Mr. Speaker, this resolution declares a sense of Congress that Aung San Suu Kyi should be invited to address a joint meeting of the Congress. It is my hope that this meeting will occur when Aung San Suu Kyi has taken her rightful place as the leader of a free and democratic Burma.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of H. Con. Res. 211.

First, I would like to commend my friend and colleague, the gentleman from New York (Mr. KING), for introducing this important legislation and my good friend the gentleman from New Jersey (Mr. SMITH), who has not only been a champion of human rights in Burma but across the globe.

Mr. Speaker, when visitors arrive in my office, they are greeted by a picture of one of the world's most inspirational figures, Nobel Laureate Aung San Suu Kyi. Suu Kyi's picture is a daily reminder to all who come to my office of her ongoing struggle for freedom and democracy in Burma.

As we all know, Aung San Suu Kyi led the National League for Democracy to a landslide victory in the 1990s election in Burma. Instead of accepting results of this election, Burma's brutal totalitarian regime rejected the results of the election, placed Aung San Suu Kyi under house arrest and arrested hundreds of members of her political movement.

Mr. Speaker, it would have been very easy and convenient for Aung San Suu Kyi to leave Burma and live her life in

exile. When her husband was extremely ill in Great Britain and the Burmese Government refused to allow him to come to Burma to see her one more time, she could have left; but she chose to stay.

Facing enormous restrictions on her personal and political freedom, this courageous woman has continued the fight for freedom and democracy in Burma during the 10 years since she won the Nobel Peace Prize.

As Mahatma Gandhi, Martin Luther King, and Nelson Mandela found out, nonviolent struggle can take decades to succeed; and the struggle can be very lonely at times. This is all the more reason for the international community and for the United States to continue to stand with Aung San Suu Kyi in her struggle for freedom and democracy and all the values we share.

Aung San Suu Kyi recently began a dialogue with the Burmese Government, and I certainly hope that it will bear fruit; but we must keep the pressure on that dictatorial regime until democracy prevails in Burma.

To that end, I have introduced legislation which prohibits Burmese imports into the United States until the President determines that the Burmese Government has made progress in reversing its gross violations of internationally recognized human rights and worker rights, implementing democratic government and cooperating with the United States in our counternarcotics efforts. It is my earnest hope that the Committee on Ways and Means will expeditiously consider this legislation.

The resolution before us today, Mr. Speaker, will keep the pressure on the Burmese Government. By continuing to spotlight Aung San Suu Kyi's struggle in Burma and calling on our administration to encourage Burma to change its repressive and destructive policies, we build a stronger international coalition for positive change in Burma.

Before concluding, I also want to acknowledge our colleague, the gentleman from Oregon's (Mr. BLUMENAUER) helpful comments regarding this legislation. The gentleman has suggested that Aung San Suu Kyi could be invited to address a joint session of Congress by video conference. I think this is a creative idea, and we should give it serious thought.

I urge all of my colleagues to support H. Con. Res. 211.

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

Mr. GILMAN. Mr. Speaker, I wish to thank Chairman HYDE for bringing to the floor H. Con. Res. 211, a resolution Commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of the Congress with respect to the Government of Burma. I want to commend the gentleman from New York, Congressman KING, for drafting this important resolution.

Daw Suu was under house arrest from 1989 to 1995 after winning a democratic election in 1990 and leading her party, the National League for Democracy, to a landslide victory, winning 80 percent of the parliamentary seats. However, she was rearrested a year ago and has once again been under house arrest since then.

One year ago talks began between her party the National League for Democracy and the military government. Since then we have seen the release of 2180 political prisoners and the opening of approximately 30 NLD offices. While we welcome these actions, Amnesty International reports that there are close to 1800 political prisoners still being held in Burma and at that pace it could be another 10 years before we see them all freed. This is not acceptable.

Human rights abuses continue, narcotics production and trafficking continue and the NLD and ethnic supporters of the democracy movement are not allowed to freely associate or express their views. Just two weeks ago the State Department issued its report on international religious freedom once again citeing Burma as a country of concern for religious persecution.

Accordingly Mr. Speaker, I strongly support H. Con. Res. 211 and urge my colleague to support this bill.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of the resolution to honor Ms. Daw Aung San Suu Kyi, a political activist currently under house arrest in Burma. Ms. Suu Kyi has devoted her life to furthering the democratic cause in her native land, in opposition to the brutal military regime now in power.

The government in Burma acts with an overt disrespect for the human rights of the Burmese people. Human trafficking is a very real problem, which the military dictatorship makes no significant effort to curtail. And thanks to the government's involvement, the country ranks second only to Afghanistan in the production of heroin and methamphetamines. All publications, broadcast media, and even artwork are heavily censored. Freedoms of expression and assembly are ignored. The United Nations, Amnesty International, Human Rights Watch, and other groups have routinely reported massacres, torture, rape, detention without trial, massive forced relocations, and forced labor.

This is the government that Ms. Suu Kyi has been fighting for the past thirteen years. For seven of those years she has been under house arrest, subject to a law that permits detention without charge or trial. Yet she continues to advocate non-violent means of restoring democracy to her country. Because of her efforts she has become an international symbol of the fight against oppression and human rights abuses.

In 1991, Ms. Suu Kyi was awarded the Nobel Peace Prize. It is on the tenth anniversary of this occasion that we seek to honor her by recognizing her achievements and expressing our support of her endeavor to free Burma from the repressive and murderous dictatorship under which it suffers.

As many of my constituents already know, I have been following human rights abuses in Burma quite closely. On March 13, 2001, Trinity College in Hartford, Connecticut, hosted an Inaugural Human Rights Program Awards Ceremony which called attention to three teachers being held as political prisoners in Burma. This program is believed to be the only undergraduate interdisciplinary human rights program in the United States, and is under the skillful direction of its Director, Maryam Elahi.

Eight months ago, a number of the members of the Congressional Human Rights Caucus joined me in writing to the State Peace and Development Council of Burma requesting the immediate release of the three educators who were imprisoned after unfair trials. Neither they nor their lawyers were permitted to speak in court, in a blatant violation of international human rights norms. We have not yet received a response to our letter.

Mr. Speaker, I ask my colleagues to again stand with me in denouncing the human rights abuses perpetrated by the Burmese government and in commemorating the non-violent and pro-democratic efforts of Ms. Suu Kyi by voting for this resolution.

Mr. KING. Mr. Speaker, I want to thank Chairman HYDE and the ranking member, the gentleman from California, Mr. LANTOS, for not only their longstanding commitment to democracy in Burma but their assistance in moving this resolution to the floor of the House. I also want to thank Joseph Rees, Peter Yeo and Jamie McCormick on the International Relations Committee for all their hard work and assistance.

Mr. Speaker, this past October 14th marked the 10th anniversary of Aung San Suu Kyi receiving the Nobel Peace Prize yet, today she remains under house arrest. Barricades surround her residence, her telephone number is cut off and Western journalists face detention if they go within 200 yards. Obviously the suppression of democracy continues in Burma.

The ruling military junta continues to abuse human rights and authorities continue to assist in the drug trade. Human trafficking and the displacement of peoples are persistent and growing problems. Burma's democratically elected government is still being denied the right to take office.

Through it all, Aung San Suu Kyi has been a paragon of personal and political strength. It is my hope that the U.S. Congress and the American people continue to recognize the personal and national struggle for freedom in Burma.

It is imperative that the United States continue to recognize and give hope to those who sacrifice so much in the name of freedom and democracy.

Certainly, Aung San Suu Kyi has inspired so many and given so much—that it would be a travesty for democratic nations to ignore and walk away from the oppression and military control that has become her way of life.

I urge my colleagues to support this resolution and continue their efforts to maintain pressure on the military junta in Burma.

□ 1430

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from

New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 211, 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.

EXPRESSING SENSE OF CONGRESS THAT PRESIDENT ISSUE PROCLAMATION RECOGNIZING A NATIONAL LAO-HMONG RECOGNITION DAY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 88) expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day, as amended.

The Clerk read as follows:

H. CON. RES. 88

Whereas the Lao-Hmong, which means ''free people'', are Laotian members of the Hmong tribe and are noted for their warrior tradition, loyalty, and bravery;

Whereas beginning in 1960 the United States recruited thousands of the Lao-Hmong to fight against the Communist Pathet Lao and North Vietnamese Army regulars in Laos;

Whereas the United States relied heavily on the Lao-Hmong Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975;

Whereas the Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes with extreme casualties;

Whereas the Lao-Hmong, although outnumbered, fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail.

Whereas the Lao-Hmong protected United States personnel, guarded United States Air Force radar installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots;

Whereas more than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life, and many more were seriously injured and disabled;

Whereas thousands of Lao-Hmong suffered grievous injuries and permanent disabilities, and thousands more were captured and sent to Communist concentration camps;

Whereas after the conclusion of the war, many Lao-Hmong soldiers were the victims of acts of retribution and atrocities by the Pathet Lao, causing many of the Lao-Hmong to flee to neighboring Thailand and become refugees; and

Whereas beginning with the City Council of Golden, Colorado, in 1995, various State and local governments have issued proclamations declaring July 22 as Lao-Hmong Recognition Day, and the issuance of a Presidential proclamation supporting the goals of Lao-Hmong Recognition Day would recognize the bravery, sacrifice, and loyalty to the United States exhibited by the Lao-Hmong in Southeast Asia: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should issue a proclamation—

(1) supporting the goals of Lao-Hmong Recognition Day; and

(2) calling on the people of the United States to recognize the service and sacrifice of the men and women of the Lao-Hmong with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 88.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 88, and I commend the gentleman from Colorado (Mr. TANCREDO) for introducing this important measure.

This resolution expresses congressional support for the goals of Lao-Hmong Recognition Day. It asks the President to issue an appropriate proclamation. That proclamation should recognize the contributions of the Lao-Hmong in defending freedom and democracy. And it should call on Americans to recognize the service and the sacrifice of the Lao-Hmong with appropriate ceremonies and activities.

The Lao-Hmong fought valiantly against the Communist Pathet Lao and the North Vietnamese Army regulars in Laos during the Vietnam War. The United States relied heavily on the Lao-Hmong Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975. They conducted tactical guerrilla actions. The Lao-Hmong flew thousands of deadly combat missions to support our Armed Forces and the CIA. And they also fought in conventional and guerrilla combat clashes, suffering extreme casualties.

Although outnumbered, the Lao-Hmong fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail. They protected United States personnel, guarded our Air Force installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of our downed pilots.

Mr. Speaker, this resolution notes that ''Lao-Hmong'' means ''free people.'' The brave and loyal members of the Hmong tribe paid a steep price for defending their freedom and the democratic way of life. More than 35,000 were killed. Thousands more were seriously injured. Thousands were captured and sent to Communist concentration camps.

The suffering of the Lao-Hmong did not end with the war, because after the war, the Pathet Lao retaliated against the many Lao-Hmong soldiers, committing many atrocities against them. Many became refugees when they were driven from native Laos. About 170,000 or more Hmong now live here with us in the United States.

In 1995, the city council of Golden, Colorado, first established a special day to recognize the contributions of the Lao-Hmong. Since then, a number of State and local governments have also declared July 22 as Lao-Hmong Recognition Day. The Federal Government should recognize and support these efforts as well.

Mr. Speaker, my husband is a decorated Vietnam veteran. He was wounded in that war, so I come to this floor with a special gratitude for the sacrifices and the suffering that the Lao-Hmong endured because they supported the men and women of our military forces in Southeast Asia. As a Cuban American, I feel a special empathy for the pain inflicted on them because they fought against communism.

Mr. Speaker, I strongly urge all Members to support this important resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentlewoman from Florida (Ms. ROS-LEHTINEN) in support of this resolution expressing the sense of Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day.

Mr. Speaker, in the late 1960s, a Central Intelligence Agency agent known only as Colonel Billy, went into Laos to look for Vang Pao, a Hmong military leader. By the age of 18, Vang Pao had led two raids against the North Vietnamese forces that had penetrated into northern Laos. When Colonel Billy found Vang Pao, he asked him if the Hmong would be willing to help stop the Communist advance in Laos. It is reported that Vang Pao said, ''For me, I cannot live with communism. I must either leave or fight. I prefer to fight.''

Like Vang Pao, thousands of the Lao-Hmong fought against the Communist Pathet Lao and North Vietnamese Army in Laos. Known for their

warrior tradition, loyalty and bravery, the Lao-Hmong Special Guerrilla Units engaged in direct combat with North Vietnamese troops from 1960 to 1975.

The Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the Armed Forces and the CIA, and fought in conventional and guerrilla combat clashes with extreme casualties.

Although outnumbered, the Lao-Hmong fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail. The Lao-Hmong protected United States personnel, guarded United States Air Force installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots. More than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life and many more were seriously injured and disabled.

H. Con. Res. 88 expresses the sense of Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day. Let us recognize the Lao-Hmong for their fight for freedom and democracy, a fight, yes, Mr. Speaker, that carries on unto this day.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the distinguished gentleman from Colorado (Mr. TANCREDO) for introducing this proclamation and for working so hard to ensure its passage. I also thank the chairman, the gentleman from Indiana (Mr. BURTON), from the Committee on Government Reform, and the ranking member, the gentleman from California (Mr. WAXMAN), for expediting consideration of this important resolution.

Mr. Speaker, it is very appropriate for Congress to pay tribute to the Lao-Hmong at this troubled time in our history. President Reagan referred to the United States as a ''shining city on the hill'' because if has been a beacon of freedom in a world that is largely unfree.

Honoring the Lao-Hmong reminds us in the long struggle against the evil of communism, many followed the light of that beacon. A diverse array of people around the globe stood shoulder to shoulder with the United States. They, too, paid the heavy price of freedom's defense that is often required.

Evil forces are again warring against the United States and all that we stand for. We have defeated evil before, and we will defeat it again; but we will not have to do it alone. As we found steadfast friends in the Lao-Hmong to fight with us against the evils of communism in Southeast Asia, we will also find steadfast friends among freedom-loving people around the world to stand with today. I ask all Members to support this resolution.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Colorado, Mr. TANCREDO, for crafting H. Con. Res. 88 a resolution expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day.

Mr. Speaker, the Hmong are a brave, loyal and gentle people who fought and died beside our soldiers and pilots during the Vietnam War. Once we packed up and went home many thousands of the Hmong were tortured and butchered by the Pathet Lao and Vietnamese for their steadfast loyalty and trust in us.

The Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the U.S. Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes. They suffered extreme casualties. In addition, the Lao-Hmong, although outnumbered, fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail.

More than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life, and many more were seriously injured and disabled. We owe the Hmong a great deal. What they did for us should never be forgotten.

Accordingly proclaiming a National Lao-Hmong Recognition Day is the very least we can do to recognize their sacrifice and I urge my colleagues to fully support the resolution.

Mr. TANCREDO. Mr. Speaker, it is with great pride that I rise to thank and honor, Mr. Speaker, those who served with America to protect democracy in Southeast Asia. The commitment and sacrifice of the Lao Hmong people should never be forgotten. The citations that will be presented will represent a collective thanks from all of us.

The Lao-Hmong, which means ''free people;'', are Laotian members of the Hmong tribe and are noted for their warrior tradition, loyalty, and bravery. Beginning in 1960 the United States recruited thousands of the Lao-Hmong to fight against the Communist Pathet Lao and North Vietnamese Army regulars in Laos. The United States relied heavily on the Lao-Hmong Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975. The Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes with extreme casualties. The Lao-Hmong, although outnumbered, fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail.

The Lao-Hmong protected United States personnel, guarded United States Air Force radar installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots. More than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life, and many more were seriously injured and disabled. Thousands of Lao-Hmong suffered grievous injuries and permanent disabilities, and thousands more were captured and sent to Communist concentration camps. After the conclusion of the war, many Lao-Hmong soldiers were the victims of acts of retribution and atrocities by the Pathet Lao, causing many of the Lao-Hmong to flee to neighboring Thailand and become refugees.

Beginning with the City Council of Golden, Colorado, in 1995, various state and local governments have issued proclamations declaring July 22 as Lao-Hmong Recognition Day. The issuance of a Presidential Proclamation supporting the goals of Lao-Hmong Recognition Day will recognize the bravery, sacrifice, and loyalty to the United States exhibited by the Lao-Hmong in Southeast Asia. I call on the American people today, Mr. Speaker, to recognize the service and sacrifice of the Lao-Hmong men and women with appropriate ceremonies and activities.

Mr. KIND. Mr. Speaker, I rise today in support of H. Con. Res. 88, expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day.

The United States owes a debt of gratitude to the Hmong veterans, and their families, who served as loyal and dedicated allies during the Vietnam conflict. Through their sacrifices, many American lives were saved in Southeast Asia, and our nation must remain committed to recognizing their service.

Over this past weekend, we honored those who served our nation through Veterans Day parades and celebrations around the country. Many Hmong, however, are not considered veterans by our government even though they participated in covert operations directed by the U.S. Central Intelligence Agency. Between 20,000 to 30,000 Hmong lost their lives during the war and more than 100,000 Hmong were forced to either flee or live in refugee camps. Presidential proclamation of a National Lao-Hmong Recognition Day will represent our resolve as a nation that the Hmong soldiers who fought for the freedom and liberty in Southeast Asia should be honored for their service.

This legislation is also important because it calls on the people of the United States to recognize not only the military service of Lao-Hmong veterans and their families, but to also recognize their valuable contribution to American society. Approximately 170,000 Hmong currently reside in the United States, including 35,000 in my home state of Wisconsin. Their cultural contribution to America's melting pot should be recognized, too, because it is through our diversity and understanding that our nation gains strength.

H. Con. Res. 88 represents America's gratitude to the Lao-Hmong for their sacrifices in defense of American values and freedoms, and I encourage my colleagues to support it.

Mr. KLECZKA. Mr. Speaker, I support H. Con. Res. 88, the National Lao-Hmong Recognition Day, and praise the proud heritage of the Lao-Hmong people who reside in my district and throughout the United States. The Hmong are originally an agrarian people that were scattered across parts of China, Laos, China, Thailand, and Vietnam. The Hmong that now reside in the United States came mainly from Laos as refugees following the Vietnam War.

During the Vietnam War, the Hmong were recruited by the CIA to provide the U.S. with reconnaissance and guerrilla-combat support for military actions in the country of Laos. They were so trusted and effective that they were relied upon to undertake rescue missions to save downed American pilots and protect our military installations. The Hmong are remembered by the Vietnam veterans that they fought beside as loyal, courageous fighters who prevented many American casualties.

Following the United States withdrawal from the region of Southeast Asia, the Hmong people were targeted for persecution by the communist Pathet Lao government in Laos, mainly due to the support they had provided our nation during the war. Many of the Hmong people recall this persecution of systematic imprisonment and killing, leaving them with awful memories of bloody violence and the deaths of loved ones.

To survive, the Hmong showed the same courage and tenacity as when they fought beside our soldiers, leaving their ancestral homelands for America and hoping to adapt to a country, culture and language that bore no resemblance to their own. Before arriving in the U.S., the Hmong were a tribal society without a written language until the mid-20th century. Additionally, many of the Hmong were recruited to be guerrillas at the ages of 12–14 and hence did not attend school after that point. Since 1975, over 200,000 Hmong refugees have resettled in the U.S. Their adjustment to American society has been difficult, but with perseverance and determination the Hmong people have overcome and succeeded.

Last year, I cosponsored and the House passed legislation later enacted into law, which expedites the naturalization of the Hmong who served with special guerrilla units in Laos during the Vietnam war. Yet a comprehensive acknowledgment of the plight and indomitable will of the Hmong-Americans that reside in our country and community is needed. I strongly support this legislation encouraging the President to declare a National Lao-Hmong Recognition Day and calling on the American people to recognize the service and sacrifice of the Hmong people. It is proper for all that the Hmong have done, similar to countless other immigrant groups, as they add one more thread to the fabric of our American society and history.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 88, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution expressing the sense of the Congress that the President should issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and supporting the goals of Lao-Hmong Recognition Day.''

A motion to reconsider was laid on the table.

CELEBRATING 300TH ANNIVERSARY OF WILLIAM PENN'S CHARTER OF PRIVILEGES, 250TH ANNIVERSARY OF THE LIBERTY BELL, AND 225TH ANNIVERSARY OF FIRST PUBLIC READING OF DECLARATION OF INDEPENDENCE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 254) encouraging the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence.

The Clerk read as follows:

H. CON. RES. 254

Whereas William Penn was a distinguished statesman and a principled defender of human rights and religious liberties;

Whereas in 1701, William Penn wrote Charter of Privileges, which set a new standard for religious liberty that profoundly impacted the Nation's history and still provides an example for the world today;

Whereas religious freedom is still one of the most fragile liberties, and today, millions of people around the world are persecuted for their religious beliefs;

Whereas the year 2001 marks the 300th anniversary of the publication of Charter of Privileges;

Whereas the Liberty Bell was designed to commemorate the 50th anniversary of Charter of Privileges and is a powerful reminder of the Nation's commitment to freedom and justice;

Whereas the Liberty Bell became a defining symbol of the abolitionist movement, which sought to rid the Nation of slavery;

Whereas the year 2001 marks the 250th anniversary of the completion of the Liberty Bell; and

Whereas the year 2001 is also the 225th anniversary of the first public reading of the Declaration of Independence, which contains the immortal phrase: ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) encourages the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence; and

(2) encourages the Nation's leaders to reaffirm their commitment to promoting human rights and religious freedom in the Nation and around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. Ros-Lehtinen. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 254.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 254 today, and I commend my distinguished colleague, the gentleman from Pennsylvania (Mr. PITTS), for introducing this resolution and for working so hard to bring it to the floor.

House Concurrent Resolution 254 encourages the people of the United States to celebrate the anniversaries of three important events in the history of Pennsylvania and indeed in our Nation's history. This resolution also encourages our country's leaders to reaffirm our commitment to promoting human rights and religious freedom in the United States and around the world.

The year 2001 marks the anniversaries of three historic events which have profoundly influenced the principles upon which this great Nation was founded. It is the 300th anniversary of William Penn's ''Charter of Privileges,'' the 250th anniversary of the completion of the Liberty Bell, and 225th anniversary of the first public reading of the Declaration of Independence.

William Penn, author of the Charter of Privileges, was a distinguished statesman and a principled defender of human rights and religious liberties. When William Penn wrote the Charter of Privileges in 1701, he set a new standard for religious liberty which impacted the Nation's history and still provides an example for the world today. Both the concepts underlying the ''free exercise'' and the ''establishment'' clauses of the First Amendment were embodied in that charter.

Moreover, Mr. Speaker, Mr. Penn felt so strongly about the importance of religious liberty that he guaranteed that this provision of the charter would remain inviolate forever because, in his words, ''the happiness of mankind descends so much upon the enjoying of liberty of their consciences.'' This was the only provision so guaranteed.

The Liberty Bell was designed to commemorate the 50th anniversary of the Charter of Privileges. Later, the Liberty Bell became a defining symbol of the abolitionist movement, which sought to rid our Nation of slavery.

□ 1445

And to this day, Mr. Speaker, it remains one of the most recognized and most powerful reminders of our Nation's commitment to freedom and justice.

The Declaration of Independence has also been one of the most potent symbols of our commitment to liberty. Its first public reading marked the first public utterance of a phrase that has since been revered by Americans and freedom-loving people around the world: ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights.''

Mr. Speaker, I encourage all Members to vote for this important resolution. That vote will reaffirm our commitment to promoting human rights and religious freedom in the Nation and around the world, and it will encourage all Americans to reflect upon these important events.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, William Penn was a distinguished statesman and a principled defender of human rights and religious liberty. Born on October 14, 1644, to Anglican parents, William Penn converted to Quakerism after hearing the famous apostle Thomas Loe. He spent much of his time in prison for his radical preaching for personal property and religious rights. In 1672, he wrote the concessions and agreements charter for a group of Quaker colonists who were settling in the newly acquired New Jersey. Among its provisions were the right to trial by jury, the freedom from arbitrary imprisonment for debt, and edict against capital punishment. Penn also strongly urged religious freedom, writing, and I quote, ''No men hath power or authority to rule over men's consciences in religious matters.''

Penn is more famously known, however, as the founder of Pennsylvania. He designed the city of Philadelphia as a rectangular gridiron with a center square that divided the city into four quadrants. Penn planned for the city's principal public buildings, the meeting house, school, and statehouse. His conception of Philadelphia has been characterized as one of the earliest attempts at utopian city planning and represented the most extensively preplanned American city at that time. I must confess, Mr. Speaker, that every time I visit Philadelphia, I am always amazed at the ideas and concepts that Penn had even at that time.

Penn's Charter of Privileges, which was Pennsylvania's original constitution, speaks of valuable rights and freedoms. In the charter, Penn ensured that no citizen would be discriminated against because of his or her faith, nor would any citizen be denied a role in civil government because of the expression of his or her faith. Penn recognized the role of religion in public life and affirmed its importance.

In 1751, 50 years after Penn wrote the Charter of Privileges, the Pennsylvania General Assembly commissioned a bell for the statehouse to commemorate the 50th anniversary of the charter. The bell was rung to call the citizens of Philadelphia to the first public reading of the Declaration of Independence and became known as the Liberty Bell as abolitionists adopted it as a symbol of their cause.

H. Con. Res. 254 encourages the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell and the 225th anniversary of the first public reading of the Declaration of Independence.

Given Penn's profound impact on religious liberty and this Nation's history, I urge all of my colleagues to support this resolution, as we shall always remember the words: ''We hold these truths to be self-evident, that all men are created equal and endowed by their Creator with certain unalienable rights.''

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am very proud to yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS), the author of this resolution.

Mr. PITTS. Mr. Speaker, I rise in support of H. Con. Res. 254 and to celebrate our American legacy of religious liberty, to honor the 300th anniversary of Penn's Charter of Privileges, Pennsylvania's first constitution, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence.

Mr. Speaker, the events of September 11 serve as a powerful reminder that religious faith is deeply embedded in the hearts of many Americans. In times of chaos and uncertainty, many Americans turn to religious faith to reestablish priorities and to gather strength for the days ahead.

Our Founding Fathers knew that our American experiment would only succeed if men and women acted in good faith. Our American way of life is based on the belief that people will do what is right instead of what is easy or convenient. But the Founders also believed that that would happen only for as long as we had faith in God. And so they encouraged religious expression.

William Penn was born in England on October 24, 1644, the son of a wealthy English admiral. He grew up in a time of tremendous tension between England, France and Spain and the New World. He assumed that he would become a soldier, and he did. But in 1681, after the death of his father, Penn was granted a tract of land from King Charles II that later became known as Pennsylvania. Penn called Pennsylvania a holy experiment, a place where religious freedom and religious faith would be celebrated. Penn believed that religious faith contributed to good government. Penn's beliefs about the role of religion in public life were clearly demonstrated in his Charter of Privileges in 1701.

As a result of Penn's emphasis on religious liberty, Pennsylvania, and particularly Philadelphia, became a haven for those who had been persecuted for their faith. In fact, Philadelphia was one of the only places in the English-speaking world where Roman Catholics could legally worship. A plaque on St. Joseph's Roman Catholic Church in Center City Philadelphia reads:

''In 1734, the provincial council of Philadelphia, defending the liberty of worship granted by William Penn to this colony, successfully withstood the demand of the governor of the province that this church be outlawed and such liberty suppressed.

''Thus was established permanently in our Nation the principle of religious freedom, which was later embodied into the Constitution of the United States of America.''

Mr. Speaker, Americans of all faiths are indebted to William Penn's vision of religious pluralism. These days we seem to want to say that it does not matter what a person believes as long as he or she does not believe it very strongly. Well, Mr. Speaker, deep-seated religious faith and a commitment to moral absolutes served as the bedrock of the founding of our Nation. The abolitionist movement, the civil rights movement and the women's suffrage movement all have their roots in religious faith and convictions. Those brave men and women fought diligently to ensure justice in our Nation. Those men and women were not merely invested in religious rhetoric. They earnestly believed that through their work, they were being faithful to God and His precepts.

Philadelphia's famous Liberty Bell was commissioned to honor the 50th anniversary of Penn's Charter of Privileges. The inscription on the Liberty Bell is a quotation from the Bible, the book of Leviticus: ''Proclaim liberty through all the land to the inhabitants thereof.''

And so, Mr. Speaker, we should not be embarrassed to speak about the religious faith of our forefathers or to speak about our own religious faith. There is nothing to be gained by rewriting history and editing out God or by emptying religious quotations or symbols of their original meaning. There is nothing to be gained from suppressing religious faith in public life.

But there is everything to be gained from working to maintain the kind of pluralistic spirit of William Penn. This spirit allows individuals to hold deep religious convictions, to defend those convictions, and even express those beliefs.

Mr. Speaker, we are all proud of our Nation's history. We recognize that religious bigotry is fundamentally un-

American. Recently, I was deeply disturbed to learn that two Americans who own a diner in Ephrata, Pennsylvania, were singled out for discrimination because of their religious faith and ethnic background. They are Muslims and Egyptian Americans. These two men, owners of a local restaurant, were the subject of groundless rumors and speculation simply because one of them has Osma as his first name.

Religious bigotry is contrary to the spirit of the Declaration of Independence. In this country, we believe all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. The role of government is to allow the free expression of religion, not to hinder it. We tamper with religious freedom at our peril.

Mr. Speaker, over the past 2 months, many Americans have been faced with a type of uncertainty that they never thought possible. Yet this fear has caused them to reflect on what it means to be an American.

I urge my colleagues to support the freedoms that made our country great. Support H. Con. Res. 254.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 5 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentlewoman for yielding time.

I rise in strong support of the religious liberty resolution, H. Con. Res. 254, celebrating the 300th anniversary of William Penn's Charter of Privileges and other historic items.

Mr. Speaker, three centuries ago, the Pennsylvania Charter of Privileges was enacted. You may be wondering why a son of Indiana is standing before you to recognize an event that took place in Pennsylvania. Very simply, the liberties we enjoy in the Hoosier State, I believe, were cultivated by this document, the Charter of Privileges from the Keystone State; and I rise in proud support of them.

Called the most famous of all colonial constitutions, the Charter of Privileges proved to be a major breakthrough in the history of government. This is because the charter had at its very core a liberty-of-conscience clause that granted religious liberty to the inhabitants of the Commonwealth of Pennsylvania. What is more, the charter's author, William Penn, ensured that this liberty clause, quote, ''shall be kept and remain without alteration, inviolable forever.'' Other provisions of the charter could be changed by the will of the people, but not the liberty-of-conscience clause.

Mr. Speaker, this marked an enormously important advance in American liberties, one which should be celebrated as we do so today. As a result of this commitment to religious liberty, Pennsylvania, and especially the city of Philadelphia, became a haven for all religions. Historian Paul Johnson noted that Philadelphia in the 18th century was a bustling center of activity for people of every religious faith. Not coincidentally, Philadelphia also became the home to our Nation's very first independent African American denomination, the African Methodist Episcopal Church.

Mr. Speaker, today in any number of cities and towns across this great land of liberty, you will find dozens of religious denominations represented, even many sharing a street corner or even a building. I would offer that in 1701, such a scene would not likely have been repeated anywhere in the world except in colonial America, perhaps outside of Philadelphia, which was aptly named the City of Brotherly Love. And it was all a result of Pennsylvania's visionary Charter of Liberties.

For it is religious liberty, the freedom to worship the Creator after the dictates of one's own conscience, that provides the firm foundation for all liberties. Thus Thomas Jefferson wrote that all men were created equal and endowed by their Creator with unalienable and inviolable rights.

Mr. Speaker, I submit to you that it is religious liberty which gave birth to this Nation, to our unquenchable thirst for freedom, our unparalleled pursuit of innovation, our unyielding love for representative government, our unabashed sense of a higher national purpose, and our unprecedented tolerance of our fellow man. Each of these symbols that we celebrate today stands in broad opposition to the trends in the world that move in the opposite direction of tolerance.

Mr. Speaker, I simply could not let this moment pass without connecting the dots between this great event in American history and those we also celebrate, the commemoration of the Liberty Bell, the public reading of the Declaration, without reflecting on what we see in tragedies unfolding when religious liberties are forsaken around the globe. In Sudan, slavery and brutality arise out of religious persecution. Tens upon hundreds of thousands are on the brink of death because the Sudanese Government fails to recognize the liberty of conscience that was established in Pennsylvania on our shores 300 years ago. And in Afghanistan, a great religion has been twisted by some into one that supports persecution and violence and murder rather than freedom and transcendence, one that uses terrorism to stifle the voices of religious liberty.

□ 1500

The very shaving of the beards that is happening in the capital of Kabul today is in many ways driven by the same sentiment that emerged in the Charter of Privileges some 300 years ago.

I urge all of my colleagues to support the religious liberty resolution. I commend my colleague, the gentleman from Pennsylvania (Mr. PITTS), for his visionary commitment to religious liberty and for his own testimony of faith. Let us today reaffirm our commitment three centuries strong on this continent to the freedom of religion and continue to be that shining city on a hill that gives hope to all of the nations.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have no further requests for time, but I would say as I yield back the balance of my time that sometimes people ask me why this type of resolution is on the floor, and they are wondering what it really means.

I often will say to them, if you forget where you come from, then it is hard to understand how you got to where you are, and you really would never understand where you need to be going. So it is important that we look back and reflect upon the history and development of our Nation and continue to acknowledge and revere those things which have made America what it is today.

Madam Speaker, I congratulate the gentleman from Pennsylvania.

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

Ms. ROS-LEHTINEN. Madam Speaker, I am proud to yield 3 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, to the Members, I want to say that I have a peculiar and unique interest in William Penn, in that after completion of junior high school, the high school I entered was aptly named for these proceedings, William Penn High School. It was then that I first learned of the life and work and significance of William Penn.

As a 14 year old, a wide new world of American history opened for me in the name of William Penn. Our school periodical was named The Founder; the yearbook was named The Sylvania, so ''Pennsylvania.'' The founder of Pennsylvania and his woods, Penn's Woods, were always firmly ensconced in my educated mind at that point as very significant in American history.

Also I learned in my personal study of William Penn that ours was the only State, I say egotistically, that was named after its founder. The other States, for instance, Washington, the State of Washington was named after George Washington many years after he was President of the United States; Maryland was named after the Queen of Charles I; the Virginias were named honoring Queen Elizabeth; the Carolinas were named after King Charles;

Georgia was named after King George; Louisiana was named after King Louis; New York was named after the Duke of York; and Delaware was named after the first Governor of Virginia, Lord de la Warr. All the rest of the States were named after Indian tribes or Indian phrases or Indian words, thus forming the blend that we are so proud of in our country. But Pennsylvania was the only one which honored its founder.

Those principles which have been so well enunciated on both sides of the aisle in commemoration of the day which we seek to honor in this resolution aptly have put forth the real rectitude of having this resolution.

One other little anecdote: The 4th of July, 1776, Declaration of Independence did not reach the capital of Pennsylvania, Harrisburg, until 10 days after the declaration, around July 10th, 11th, 12th or 14th. When it reached there, the founder of Harrisburg, John Harris, convened the entire town to come before him on River Front in Harrisburg, at a mansion which still stands, to read the Declaration of Independence as it was transmitted to him from Philadelphia. Thus, the founder of Harrisburg, who always revered the founder of Pennsylvania, helped found the principles of our country by spreading the word of the Declaration of Independence.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I speak as a former resident of the State of Pennsylvania. When Cuban refugees first started coming over to the United States, there were no jobs in Miami, Florida. The Federal Government had a refugee resettlement program, and we were fortunate enough to be resettled in a town in Pennsylvania called York. My brother and I were very much in love with York, Pennsylvania. It was our first taste of snow. Coming from Havana, we did not get too much of that.

On the weekends, when we could put together the little pennies we had, I remember taking weekend trips with my parents, where we got to see the many historic sites that Pennsylvania had to offer. For me, Pennsylvania will always be just like this wonderful city, and New York also, symbolic images of the freedom and democracy and the liberty that we enjoy so much in our country, and we sometimes take for granted.

I again commend the distinguished gentleman from Pennsylvania (Mr. PITTS) for introducing this important proclamation and for working hard to ensure its passage. In light the challenges facing our Nation today, Madam Speaker, it is certainly appropriate in this time for Congress to reaffirm our commitment to religious liberty and human rights, and it is certainly an appropriate time for all of us as Americans to reflect upon the principles underlying each of these three important historical symbols of our democracy.

Madam Speaker, I urge all Members to support this resolution.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 254.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL WORDS CAN HEAL DAY

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 235) expressing the sense of the House of Representatives regarding the establishment of a National Words Can Heal Day, as amended.

The Clerk read as follows:

H. RES. 235

Whereas the Jerusalem Fund has launched a Words Can Heal Campaign on September 4, 2001, to reduce verbal violence and gossip and to promote the value and practice of ethical speech in order improve our democracy, build mutual respect, honor, and dignity in our country;

Whereas words used unfairly, whether expressed through excessive anger, unfair criticism, public and private humiliation, bigoted comments, cruel jokes, or rumors and malicious gossip, can traumatize and damage many lives;

Whereas an unwillingness or inability of many parents to control what they say when angry causes the infliction of potentially damaging verbal abuse on many children;

Whereas bigoted words are often used to dehumanize entire religious, racial, and ethnic groups, and can inflame hostility;

Whereas the spreading of negative and often unfair, untrue, or exaggerated comments or rumors about others often inflicts irrevocable damage on the victim of such rumors;

Whereas the Words Can Heal Campaign will raise awareness regarding the damage that can be caused by destructive language; and

Whereas the House of Representatives supports the goals of the Words Can Heal Campaign: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that—

(1) the House of Representatives supports the goals of the Words Can Heal Campaign; and

(2) the President should issue a proclamation calling on the people of the United States to support the goals of such campaign with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 235.

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

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Words Can Heal Campaign, sponsored by the Jerusalem Fund, is a visionary national media and educational campaign designed to reduce verbal violence and gossip. The goal of the campaign is to promote the value and the practice of ethical speech in order to improve our democracy and to build mutual respect, honor and dignity to our country.

The Words Can Heal Campaign launched a media campaign on September 4, 2001, right here in our Nation's Capital. The campaign includes posters in D.C. Metro stations and bus shelters. It includes advertisements in newspapers, such as Roll Call, and publications such as the National Journal, Congressional Quarterly, and television ads on all major networks.

The campaign also includes educational modules for use in schools, in companies, community centers, government offices, houses of worship, every building throughout the Nation. We can all practice and participate in this initiative to improve our society and make a difference in the lives of millions of Americans, one word at a time.

In the aftermath of the tragedy of September 11, the Words Can Heal Campaign is now more important than ever. We must all be committed to unite and strengthen America through the power of words.

Each and every one of us have been touched by the events of September 11, and we as Americans have pulled together as a country to show our true colors. Americans reached out to each other with kind words and helping hands. We embraced each other with words of comfort. And through these difficult days, we as a country have come together in fellowship with expressions of kindness and caring.

As we work our way back to normalcy, let us continue the outpouring of concern that we have shown each other. We should have a new Golden Rule: Say unto others as you would want said unto you.

Mother Teresa once said, ''Kind words can be short and easy to speak, but their echoes are truly endless.'' Her words capture the essence of the Words Can Heal Campaign. Words are powerful. Words can build love, or they can destroy it. Words can be encouraging, or damaging.

We must choose what we say carefully because we cannot take back our

words. Once something is said, it can never be erased. We have all said something which later we have wished that we could take back. The Words Can Heal Pledge is one way to avoid that terrible feeling when you regret what you have said.

It says, ''I pledge to think more about the words that I use. I will try to replace words that hurt with words that encourage, engage and enrich. I will try to see how gossip hurts people, including myself, and work to eliminate it from my life. I will not become discouraged when I am unable to choose words perfectly, because making the world a better place is hard work. And I am helping to do that, one word at a time.''

The Words Can Heal Pledge helps us to remember what someone says to you can change your entire day.

Words are contagious. A friendly ''hello'' can spread from one colleague to another, from one brother to sister, one friend to another, from a stranger to a stranger. We must work to avoid harsh words and gossip which makes everyone feel badly.

We can all play a role in this undertaking to improve our society and make a difference in the lives of millions of Americans. Our ability to voice views freely and resolve differences through dialogue and persuasion is fundamental to our American system of democracy, and for that process to work, our words must reflect mutual respect, truth and fairness.

As our dialogue in Congress needs to be civil and ethical, so do communications throughout society.

Please join me in support of the Jerusalem Fund's Words Can Heal Campaign, along with the Executive Director of the Words Can Heal Campaign, Rabbi Irwin Katsof, whom I had the opportunity to meet along with my husband and children in our trip to Jerusalem and Tel Aviv this August, and Rabbi Chaim Feld; also President and CEO of the IAC Group, Ana Maria Fernandez Haar; Senior Fellow of Foreign and Defense Policy Studies, Dr. Jeane Kirkpatrick; New York Mayor Rudolph Giuliani; and Chairman and CEO of Radio Unica, Joaquin Blaya. Both Joaquin Blaya and Ana Maria Fernandez Haar joined Rabbi Katsof and my family on our trip to Israel this summer.

We congratulate and thank all of the cosponsors of House Resolution 235, because now, more than ever, words are vital to the American community.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this resolution is somewhat unusual, but I want to congratulate the gentlewoman from Florida for having the insight and the feeling and the sensitivity and the recognition that sometimes behavior can be taught and that we can move in the direction that we choose to go.

This resolution, which expresses the sense of Congress regarding a National Words Can Heal Day, seeks to reduce verbal violence and gossip. Imagine, if we could reduce gossip, then obviously that would help to reduce verbal violence. The goal of this effort is to promote the value and practice of ethical speech in order to improve our democracy, build respect, honor and dignity in our country.

□ 1515

The essence of this campaign, which was launched on Tuesday, September 4, right here in Washington, D.C., is reflected in this simple pledge: ''I pledge to think more about the words I use. I will try to see how gossip hurts people, including myself, and work to eliminate it from my life. I will try to replace words that hurt with words that encourage, engage, and enrich. I will not become discouraged when I am unable to choose words perfectly, because making the world a better place is hard work. I am pledging to do that one word at a time.''

We can all play a role in this effort to improve our society and make a difference in our homes, our schools, our communities, and in the workplace by taking this pledge.

As I read through it, I could not help but recall the teachings of my mother, who always told us that you can catch far more bees with honey than with vinegar. Or she might say, see no evil, hear no evil, speak no evil. Or she might admonish us to speak about others as we would have them speak of us. Then she would force us to read the book of Proverbs, with all of the wisdom that it contains. So it seems to me that the gentlewoman from Florida (Ms. ROS-LEHTINEN) has taken those kinds of teachings and expressions, placed them into a resolution that all Members of this body can adopt; and I would urge my colleagues to take this pledge and, in doing so, support this resolution.

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

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the balance of my time.

I want to thank the executive directors of the Words Can Heal Campaign, Rabbi Irwin Katsof and Rabbi Chaim Feld, whom I had the pleasure of knowing during my trip to Israel. When they first came to me and showed me their Words Can Heal Campaign pledge, I said that I wanted to get involved in a meaningful way and I thought of this resolution as a way to do it, because words can make a difference, and that is the pledge that we make one word at a time.

In the aftermath of the September 11 terrorist attacks against the United States, we have borne witness to the ability of words to help in the healing process, as friends and allies offered their condolences and their support to our efforts. We have also felt the brunt of the verbal attacks by enemies of the United States who rejoice in the violence perpetrated against us.

Words matter. The ability to voice views freely and resolve differences through dialogue and persuasion is fundamental to our American style of government and our democracy, as it is to world peace. To reiterate, for that process to work well, our words must reflect mutual respect, truth, understanding, and fairness.

The Words Can Heal effort is a strong first step toward a future generation of Americans and global leaders who will value the power of words and practice ethical speech. It starts with one day. This one day can then become a week, a month, a year, until it is ingrained in our character, in our nature, in our human nature. The potential is limitless. The possibilities are awe-inspiring.

Madam Speaker, I ask my colleagues to support this resolution. The hope for a better future begins today, one word at a time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 235, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''Resolution expressing the sense of the House of Representatives in support of the goals of the Words Can Heal Campaign''.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT MEN AND WOMEN OF UNITED STATES POSTAL SERVICE HAVE DONE AN OUTSTANDING JOB OF DELIVERING THE MAIL DURING THIS TIME OF NATIONAL EMERGENCY

Mr. MCHUGH. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 257) expressing the sense of the Congress that the men and women of the United States Postal Service have done an outstanding job of delivering the mail during this time of national emergency, as amended.

The Clerk read as follows:

H. CON. RES. 257

Whereas, on September 11, 2001, evil acts of terrorism were perpetrated against the people of the United States and all humanity;

Whereas, in October 2001, reports of anthrax-tainted letters began to surface;

Whereas the United States Postal Service handles approximately 680,000,000 pieces of mail each day;

Whereas our Nation's postal and delivery sector accounts for approximately 8 percent of our gross national product;

Whereas, since September 11, 2001, the United States Postal Service has delivered more than 20,000,000,000 pieces of mail;

Whereas 2 employees of the United States Postal Service have died as a result of anthrax infection;

Whereas a number of employees of the United States Postal Service are being treated for anthrax-like symptoms;

Whereas the more than 800,000 men and women who work for the United States Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency; and

Whereas the delivery of anthrax through the mail is an attempt to disrupt our ability to communicate through the mail, and threatens the viability of the postal system: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that the men and women of the United States Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency; and

(2) Congress will work with the United States Postal Service to assure the safety and well-being of postal workers as they carry out their duties and responsibilities, and of the general public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution now being considered.

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

There was no objection.

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

Madam Speaker, H. Con. Res. 257, as introduced by the gentleman from Illinois (Mr. DAVIS), expresses the sense of Congress that the men and women of the United States Postal Service have done an outstanding job delivering the mail during this time of national emergency. I am very, very pleased, as I know the gentleman from Illinois is, that 47 of our colleagues here in the House have cosponsored this resolution, signifying a broad base of support and recognition of the great sacrifices and contributions that these people make, certainly in recent weeks but, in point of fact, each and every day. We are amending this bill this afternoon, Madam Speaker, with a clarifying change in order to recognize all aspects of the postal system such as collection, processing, sorting, as well as delivery.

Let me begin by complimenting again the gentleman from Illinois (Mr. DAVIS). I deeply appreciate his leadership, his understanding of the very appropriate nature of moving forward with this resolution at this time. Let me note as well that it is not just appropriate, but I think it is also very fitting, that the House consider this resolution honoring the dedicated people of the Postal Service in this, the same week as we have celebrated and observed our national holiday on Veterans' Day.

As they have literally for centuries, postal employees today are putting their lives on the line each and every day for those of us in America. It is their commitment to this job that is ensuring our Nation can continue to communicate through these difficult times by way of the mail. We as a House grieve for the Postal Service, which lost 2 of its own dedicated, devoted employees to inhaled anthrax, resulting from the bioterrorism attacks of recent days. Postal workers Thomas Morris and Joseph Curseen truly died in the line of duty, and I know we all join in expressing our most heartfelt sympathy and deepest words of appreciation to their families and to their loved ones in this time of great loss for them.

From the days of Ben Franklin to the high speeds of the information highway, the Postal Service has touched the lives of each of us, whether at home or at work, nearly every day of the week. Postal employees maintain an important presence in our busiest urban centers as well as our most tranquil rural communities. They are the friendly faces that deliver that special birthday card, the newest magazine or, quite often, the credit card bill. Yet, many of us, Madam Speaker, fail to realize how important postal workers are in our daily lives, in our daily experiences, until someone or something interferes with that centuries' old system.

Despite the terrorist attacks, the mail handlers, clerks, carriers, supervisors, and postmasters have delivered more than 20 billion pieces of mail since the terrorist attacks of September 11. A recent postal and delivery industry report found that an $871 billion global business of mailing service providers has been built around the mail. Ninety percent of that money is earned in the United States or by U.S.-based organizations. This industry, taken collectively, has almost 9 million employees. Based on these statistics, the total mailing sector is roughly 8 percent of America's gross national product. Just in my State of New York alone, the annual mailing industry impact totals some $64.7 billion.

Yet, in spite of this enormous impact and of the continuing outstanding service to our Nation provided by postal employees, we would be negligent if we did not recognize that the Postal Service is facing a worsening financial position, threatening its very viability. Even before September 11, the Comptroller General had placed the Postal Service on its high-risk list due to its financial and operational problems. The Postal Service is facing a $1.8 billion deficit now, on top of the $1.35 billion estimated deficit it ran in the fiscal year that just ended. Revenues were below projections by $627 million in the last 2 months alone. Mail volumes are down by levels not seen since the Great Depression.

I know, Madam Speaker, that the Postal Service and its administration is resolute in meeting its challenges, as its employees that we have gathered here to honor and commemorate demonstrate to us each and every day. However, in my opinion, Madam Speaker, without modernizing our Nation's 31-year-old postal laws, the men and women of the Postal Service will have far too few tools to confront a growing challenge. The Postal Service is already requesting billions of dollars in Congress to deal with the crisis; but absent legislative change, the agency will likely have to return for ever-increasing taxpayer assistance.

As President Vincent Sombrotto of the National Association of Letter Carriers recently stated, ''If this whole institution collapses, that is as great a threat to the individuals who work in the Postal Service as contracting this anthrax. Their future is at stake.''

That is why at this moment when we honor and recognize the Nation's postal employees, I am very pleased to note the work that the gentleman from Illinois (Mr. DAVIS); the gentleman from Indiana (Mr. BURTON), the chairman of the full committee; the gentleman from California (Mr. WAXMAN), the ranking member, and others, including myself, have undertaken to try to produce a substantive draft bill to reform the Postal Service. I know the gentleman from Illinois (Mr. DAVIS) shares my commitment to the men and women of the Postal Service, that we in the Congress must do everything necessary to ensure their safety and well-being as they carry out their duties and responsibilities, particularly in this time of national emergency.

Madam Speaker, I look forward to working with the gentleman from Illinois and many others to help enact postal reform. It seems to me the Postal Service, its 800,000 dedicated employees, and the 281 million Americans who depend on universal service at affordable rates, are depending on us. Fortunately, as has existed from its founding days, the Postal Service has at its core men and women who each day make the mail work and move it to our homes, to our businesses in ways that far too often we take for granted.

So, Madam Speaker, I certainly urge all of our colleagues to support this resolution with amendments to honor the men and women of the Postal Service who, as I have said, do such an incredible job in making sure that the mail arrives on time to its addresses across this great Nation.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to have introduced this resolution with the gentleman from New York (Mr. MCHUGH), and I also want to take this opportunity and this moment to commend him for his leadership as he labored as chairman of the Postal Subcommittee before its dissolution and continues to be a leading voice for postal reform. Hopefully, as a result of his efforts and the efforts of others, we will soon see a postal bill that all Members of Congress can take a hard look at and move us in the direction that the Postal Service really needs to go.

□ 1530

I also want to thank the gentleman from Indiana (Chairman BURTON); the ranking member, the gentleman from California (Mr. WAXMAN); the majority leader, the gentleman from Texas (Mr. ARMEY); and the minority leader, the gentleman from Missouri (Mr. GEPHARDT), for expediting consideration of this resolution.

The resolution before us today simply honors the men and women of the United States Postal Service for the outstanding manner in which they have carried out their duties since the terrorist attacks of September 11.

Even though we talk about September 11, we can never forget that the Postal Service has kept America connected since the early days of the Pony Express.

The United States Postal Service is a critical element of the Nation's infrastructure. It is the linchpin in the $900 billion mailing industry that employs 9 million people and is responsible for 8 percent of the gross domestic product.

Members of the Postal Service visit our homes in rural and urban America 6 days a week. Through rain, sleet, snow, hot weather, shiny weather, they are always there. They deliver for us.

The 800,000-plus men and women of the Postal Service are on the front lines of promoting freedom and democracy by binding our Nation together through an elaborate network that touches six major markets: retail, financial services, communications, advertising, logistics, and delivery services. They deliver for us.

The men and women of the Postal Service handle approximately 680 million pieces of mail each day. The Postal Service fuels the Nation's economy and delivers hundreds of millions of messages and billions of dollars of financial transactions each day to more than 8 million businesses.

Since the terrorist attacks of September 11, Americans and especially postal workers have been confronted with a new enemy, a new challenge: anthrax. Enemies are seeking to disrupt our communications system by sending anthrax through the mail. The men and women of the Postal Service have continued to deliver in spite of this threat and the actuality of its being.

Since September 11, the Postal Service has delivered about 34 billion pieces of mail. That is about five pieces for each person on Earth. They continue to deliver.

Unfortunately, anthrax has touched the lives of some of our Nation's postal workers in a mighty and profound way. To the families of Thomas Morris, Jr., and Mr. Joseph Curseen, postal workers at the Brentwood Postal Facility who died as a result of anthrax infection, our hearts go out to them; and our prayers and gratitude are with them and their families. These two postal workers, as well as thousands and thousands of others, shall never be forgotten.

I want to personally salute the more than 5,000 postal workers from the Seventh Congressional District in Illinois. Moreover, I urge all Members and all Americans to take time out to thank the men and women of the United States Postal Service, because they deliver for us.

I also want to commend the American Postal Workers Union, the largest postal union, representing approximately 365,000 postal workers, and its newly elected president, Mr. William Burris, for seeking to honor the memory of their deceased brothers.

The American Postal Workers Union has designated this week, the week of the Veterans' Day observance, as a time to properly acknowledge that postal workers are heroes, too. The resolution says it is time for us to deliver for the men and women of the post office, and the best way we can possibly do that is by looking at the needs, in a very serious way, of our postal system; by making sure that we provide resources that are needed to make sure that the workplace is safe; and to make sure that men and women who work every day handling the mail can do so without the fear of infection or possibly death.

So we say to the postal workers of America, we say that we want to thank them for the work they have done, the work they continue to do. Because of them, America continues to be strong and vibrant and continues to be the great democracy that we know it is.

Madam Speaker, I reserve the balance of my time.

Mr. MCHUGH. Madam Speaker, I have the privilege of yielding 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA), someone who, certainly by experience and dedication, is a senior member of the Committee on Government Reform, and someone who has deservedly earned a reputation as a fierce defender of government employees in all branches, in all agencies; and certainly the Postal Service is among them.

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding time to me and for his very kind introduction.

Madam Speaker, I rise today in support of expressing our gratitude for postal workers that have done such an outstanding job of delivering mail during this time of national emergency.

I do want to commend the gentleman from Illinois (Mr. DAVIS) and the gentleman from New York (Mr. MCHUGH). They have both worked very, very hard to make sure that our postal system is solvent. I commend them for that.

Indeed, with regard to this resolution, the Nation's postal workers provide a valuable service to Americans by helping to connect our society through the careful and prompt delivery of mail.

Today, more than ever, postal workers are being recognized for their selfless service of delivering the Nation's mail under all circumstances. This includes the usual weather conditions that we have always associated with the Postal Service in the past. We have all said, ''Through wind and rain, sleet and snow,'' but now, for the first time, it is through safety threats against postal workers.

In October, as reports of anthrax-tainted letters began to surface, postal workers' lives were placed in jeopardy and the effective delivery of mail was threatened. Recognizing the importance of the Postal Service through this legislation can help to demonstrate our support and concern for the safety of postal workers as they perform their duties.

The anthrax threat has affected America deeply. Tragically, this has included the deaths of Joseph Curseen and Thomas Morris right here in Washington, D.C. at the Brentwood facility, who were killed in the line of duty. Thousands of other postal workers nationwide have been affected as they have been encouraged to visit hospitals to receive their precautionary antibiotic treatments against anthrax.

Also, the delivery of mail has been disrupted because mail processing facilities were temporarily shut down while postal workers were tested and facilities decontaminated.

The U.S. mail is a vital part of life in America. The Postal Service delivers 680 million pieces of mail daily. The anthrax threat may have disrupted mail service, but postal workers have persevered by delivering over 20 million pieces of mail since the September 11 attacks.

I support the efforts being taken to protect the lives of all the 800,000 men and women who work for the postal service in 38,000 offices, stations, and branches throughout the Nation. These efforts include increased communication and education of postal workers about anthrax, safety measures in handling mail, and the use of protective equipment.

Our postal workers deserve our support in assuring their safety and well-being as they carry out their duties and responsibilities for us. Also, this will help restore Americans' faith in our Postal Service.

Therefore, I urge all Members of this body to support this legislation that expresses our gratitude and concern for the safety of the men and women of the United States Postal Service, who have done such an outstanding job of delivering the mail during this time of national emergency.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I agree with President Bush and all of those who have referred to the postal workers at the Brentwood station as heroes.

Madam Speaker, I yield 4 minutes to the gentlewoman from Washington, D.C. (Ms. NORTON), who represents her constituents, as well as representing the rest of the Nation, in an outstanding and impeccable way.

Ms. NORTON. Madam Speaker, I thank the gentleman for his words and for his initiative on this resolution. It is the kind of initiative he has consistently shown since he has been a Member of Congress, and I appreciate the hard work of the gentleman from New York (Mr. MCHUGH). I bring both Members the appreciation of the residents of the District of Columbia, in particular.

I have just come from the official Postal Service memorial for two brave and dedicated postal workers who died while getting anthrax at our own Brentwood Post Office. The postmaster was there, the homeland security Secretary was there, All Souls Unitarian Church was full of postal workers, and Members of Congress spoke.

But Madam Speaker, the most touching words, the most profound statements, came from two men who knew the two postal workers, Joseph Curseen and Thomas Morris. They told us they were strong Christian men and dedicated postal workers.

I read from the resolution before us today that the postal workers had done an outstanding job of delivering mail during this time of national emergency because I knew that the postal workers, there were so many of them there, would appreciate knowing Congress recognized their service during this time, and especially after two of their number had been among the first to fall in the homeland war.

But I believe, Madam Speaker, that they especially appreciated section 2 of this resolution, which says, in so many words, that Congress will work with the Postal Service to assure the safety and well-being of our postal workers.

Let me say how much I appreciate the efforts being taken already. The Postal Service has found an alternative site to Brentwood. We need to speed, and we are already about finding ways to assure the safety of postal workers and to protect people who receive mail. As Members might imagine, there is particular anxiety in this city about that. Whatever it takes, we simply must do.

I want to bring to the Members' attention an experience I had. I was on my race walk on Capitol Hill, where I live, on Saturday; and I saw a postal worker beside his postal truck. I did what I am sure everybody does: I stopped to shake his hand and to say thank you.

He said he was pleased that I took the time to do that; but he stopped to say to me, Congresswoman, we still do not have a labor contract. Madam Speaker, the National Association of Letter Carriers, the National Association of Rural Letter Carriers, and the American Postal Workers are working now without a contract.

I have to tell the Members today, as we sat there with an overload of postal workers, they are not happy campers. They are frustrated workers. I know this resolution is much appreciated and certainly much deserved.

The victims compensation amendment, which the gentleman from Missouri (Mr. GEPHARDT), our leader, introduced, and I am an original cosponsor, making it so victims of anthrax may also benefit from the Victims Compensation Fund, that is all very important. It is the kind of thoughtfulness this Congress has shown throughout this crisis since September 11.

But Madam Speaker, all the memorials in the world, all the resolutions, and even this very important one, and even the funds, as well placed as they are, cannot do what a finished contract would do for these workers.

The Postal Service is in a lot of trouble itself, so I understand why there are tough negotiations. Even given that, the Postal Service would go far in encouraging postal workers today, who still work at some risk, and we still cannot entirely guarantee their safety and security, we would go far if we would implement this resolution, because we may need to do so with funds, with a way to help them sign their contract before Christmas. That would be one way to do something for these hundreds of thousands of workers. If I may say so, perhaps it would be the most important way to do something for them.

Mr. MCHUGH. Madam Speaker, it is my pleasure to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), who serves in this House as chairman of the Committee on Veterans Affairs; but in the context of this particular resolution, he has the honor of representing Trenton, New Jersey, which is home to the postal facility at Trenton, the processing and delivering center; and he has known firsthand the challenges that the threat of the current situation facing postal employees has wrought.

I want to commend the gentleman for what I know has been his personal attention, his personal visits to that facility in this time of great need, to be as supportive as he possibly could. It is the kind of dedication that he brings to all facets of his service.

□ 1545

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from New York (Mr. MCHUGH) for his courtesy and for his excellent service on the committee and in the Congress, and I want to thank the gentleman from Illinois (Mr. DAVIS) for offering this important resolution.

It is extremely important that we recognize the tremendous service of our postal employees, especially in this time of national emergency. Equally important, as the second clause, and resolving clause, points out, we will work with the U.S. Postal Service to assure the safety and well-being of postal workers as they carry out their duties and responsibilities to the general public.

Certainly the challenge we face now is to ensure that every piece of mail that goes through the system, is guaranteed to be pristine and clean. This will take a considerable purchase, procurement of the kind of detectors that exist, they are off the shelf. We need to be willing to make that kind of payment to ensure that every letter carrier, every postal worker and everyone who works within the system and everyone who gets mail is not going to become contaminated.

We certainly know firsthand what that is all about in Mercer County, in central New Jersey, Hamilton and Trenton. In Hamilton, the John K. Rafferty postal facility on Route 130 was shut down and continues to be shut down. There have been seven people affected by anthrax in my state. One was not a postal worker, but she worked in the building complex where my district office is located. Thankfully, they have all made great recoveries because of the marvels of antibiotics and Cipro in particular.

Again, I think by recognizing that they are on the front line, we need to put postal workers on a pedestal and thank them from the bottom of our hearts for their courage and their commitment to public service during these very trying times.

I would point out that Vito Cetta, who is the postmaster in charge of the

central Jersey area, and Joe Sautello have done marvelous jobs. Yes, there has been second guessing from time to time. When do you close? When do you keep a facility open? When do you test? We were pushing very hard that all of the 44 different feeder sites of the main facility be tested. Lo and behold, when they did the testing, four of those sites suffered from cross-contamination, which we will all recall CDC and others said at the onset cannot happen. Well, it did, and there were areas and perhaps even people who were contaminated.

Let me also thank Tony DiStephano, who heads up the letter carriers union. I met with Tony many times during this crisis, obviously many times before. He and the letter carriers have been tenacious. They want to deliver the mail, they want to do their jobs, but they want to do it in a way that mitigates and hopefully eliminates the possibility of contamination.

Bill Lewis from the APWU has also done a great job under very, very trying circumstances. But they want to do their jobs. They want to be on the job because they know the mail moves the country. Our economy is absolutely dependent upon the work they do.

Finally, I want to say I have a bill pending before the Committee on Financial Services that I hope will move quickly. Many people have not received their bills, and often when they sent in their checks, their remittances, they were held up getting to their Visa, credit card or mortgage company. This bill would establish a grace period of 30 days. Our hope is that this might be done voluntarily, but there are going to be big gaps. So hopefully this legislation will move very quickly so that we can ensure that people's credit histories are not penalized and that the finance charges are not levied against them.

We have learned a lot from this. Again, I want to conclude by saying that Postmaster General Potter has been vigilant. He deserves high praise as well. He has convened his own group to meet, to figure out what the protocols ought to be when opening and closing postal facilities. They are literally writing the book as they go, day in and day out. I want to commend him for the job he is doing.

Madam Speaker, I thank my friend for yielding me time.

Mr. DAVIS of Illinois. Madam Speaker, I yield 4 minutes to the distinguished gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Madam Speaker, I am proud to be one of the 47 cosponsors of this resolution honoring our Nation's postal workers.

I would like to thank the gentleman from Illinois (Mr. DAVIS) for drafting this resolution, as well as the gentleman from New York (Mr. MCHUGH) for his support.

I grew up in the post office. My mother worked for the Postal Service in Los Angeles at the Old Terminal Annex for 3 decades. And as a working parent, one could say that she raised my sisters, my brother and myself there. I myself worked there for seven Christmas seasons, sorting the Christmas mail.

My mother worked hard for the post office, as do all the other postal workers who each day labor to keep millions of letters, checks, cards, packages, and even bills moving around our country. These hard-working Americans provide a vital link for each and every community across our country, across our world, no matter how remote.

One irony of the Information Age is that it has made us more dependent on the mail. There has to be some way to get packages we order over the World Wide Web; and the Postal Service has seen their duties expanded with the expansion of the Internet. It should come as no surprise then that postal workers would be on the front lines, exposed to a bioterrorist threat that tried to exploit our society's infrastructure for the free exchange of information.

What is surprising and galling is that it took so long for the authorities to respond to the threat that anthrax posed to our postal workers. When anthrax was discovered on Capitol Hill, Congress moved quickly to seal off the impacted buildings and protect ourselves and our staff. It pains me that the authorities failed to act in a similar manner to protect the postal workers who faced an even greater threat of exposure. It took the death of postal worker Thomas Morris, Jr. for postal officials and law enforcement to acknowledge that they had failed to respond in time to the threat anthrax posed to Postal Service employees.

The debate in this resolution is not the forum to analyze what went wrong to lead to the unnecessary deaths of Thomas Morris and the others, or the dangerous exposure of his colleagues to anthrax. However, I hope that this is an opportunity to celebrate the contributions of American postal workers, and I hope that with our greater awareness of their roles comes a renewed commitment to provide for their safety.

Madam Speaker, one might remember and recall that I dedicated a post office in the 32nd district to our late Congressman Julian Dixon. I think he would be very proud of the work that is being done here with the gentleman from Illinois (Mr. DAVIS) and the gentleman from New York (Mr. MCHUGH) and all of the other colleagues of Congress to recognize our committed, loyal and dedicated postal workers.

Mr. MCHUGH. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman for his leadership on this issue, and the leadership of the majority, as well, on this very important issue.

So many of us live with our Postal Service workers as neighbors. They are our friends. They are community activists. They help support our community. And I applaud this resolution to acknowledge the work that they have done through the years.

In Houston, my postal workers every holiday season gather to collect food goods and gifts to give to the needy in our community. We have gone through a terrible and tragic time. But I was gratified in visiting the postal workers at the Franklin Street Station in Houston, one of the largest centers in Houston, and to hear both their concern as I toured their facility in the early stages of the impact of the anthrax threat, but also hearing their commitment to service to the American people.

I too have worked for the U.S. Postal Service. It was always the commitment of the Postal Service, I recall, as a person growing up, rain or shine, the mail would go; and I recall working during the holiday season to ensure that that would happen. It is tragic that we lost two valiant lives, men that were on the front line serving their country and serving the American public.

I want to say to the postal workers that as the tragedy occurred, let us make a commitment to you, that we will not fail you again. I believe that part of the tragedy was because of the lack of information and knowledge in the public health system about how anthrax was able to travel. We believed it was through an open envelope, and the envelope was opened in the Hart Building. But those mistakes should never be made ever again.

I offer my deepest apologies and sympathy to those who lost their lives and their families. But it is now important for us to join together with the U.S. Postal Service in making sure that every employee has every protection that they desire and deserve. If it is rubber gloves and a right kind of facial mask that has been dictated by the science, then they should have it. If it is sanitizing all the mail, then they should have it. If it is closing down units because there has been anthrax or anything else discovered there, they should have it.

As we move forward to fight terrorism as a unified nation, we must make sure that we commend and acknowledge those men and women who continue to press forward in the service of their country, our men and women in the military; but the U.S. Postal Service every day carries our economy forward and our service to those forward.

Let me thank you very much for this legislation. I hope my colleagues will

unanimously support this very fine piece of legislation.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in closing, let me just ask all of my colleagues and all Americans to remember those postal workers and others still suffering from inhalation of anthrax. As I understand it, we still have a postal worker who is hospitalized. Our thoughts and prayers go out to them, their families friends and coworkers.

Madam Speaker, I also want to thank the Postmaster General for agreeing to work with us as we try and get a handle on how to most effectively and safely carry out the work of our Postal Service.

Again, I want to thank my ranking member, the gentleman from California (Mr. WAXMAN) and the gentleman from Indiana (Chairman BURTON), who have indicated that they will be working with the National Academy of Sciences and the Postal Service as they convene a conference with a panel of experts to discuss and evaluate how to respond to threats in the mail. The conference, being held all day tomorrow, will focus the expertise of the Nation's top scientists on the biological threats confronting the Postal Service.

I commend all of the unions, the letter carriers, mail handlers, supervisors unions as well as the APWU for the outstanding work they have done delivering the mail, but also for the outstanding work that they were doing trying to help shape a new system, trying to help make sure that we can reform the Postal Service so that it does not linger and does not have the fear of not being able to carry out its duties and responsibilities.

And again, I want to thank my colleague, the gentleman from New York (Mr. MCHUGH) for his continuing leadership. It is always indeed a pleasure to work with him.

Madam Speaker, I would urge passage of this resolution.

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

Madam Speaker, before I yield back the balance of my time, let me just say that the old saying, you do not know what you have got until it is gone is perhaps somewhat applicable here. Fortunately, the Postal Service is not gone. It is still with us. And that too is a tribute to these hard-working men and women who do so much for us in such an efficient and yet such a quiet way.

□ 1600

I do think it is unfortunate that the tragedies that we have spoken about here today, the loss of life, those who are still struggling to regain their health had to occur to make us once again appreciate the great job that the employees of the Postal Service do for each and every American in their efforts to deliver the mail.

This resolution is, as I said earlier, a most-fitting recognition of that and, again, my praise and appreciation, particularly to the gentleman from Illinois (Mr. DAVIS) for his leadership in that regard; but it seems to me that if we do not take the next step in expressing our concern into real ways that ensure to the greatest extent possible that these 800,000-plus employees are never again asked to make the kinds of sacrifices they have made in the past weeks, we will still have failed; and I know the gentleman from Illinois (Mr. DAVIS), the gentleman from California (Mr. WAXMAN), the gentleman from Indiana (Mr. BURTON), and so many others are anxious to work together to ensure that that does not happen.

Madam Speaker, with a final sense of appreciation to those great employees and a final sense and word of consolation to the families of the two fallen postal workers, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Madam Speaker, I rise in support of H. Con. Res. 257, of which I am a cosponsor.

The U.S. Postal Service delivers more than 200 billion pieces of mail a year and handles about 680 million pieces of mail each day. Letter carriers work tirelessly six days a week, providing over 136 billion homes and business with an invaluable service. Unfortunately, as a result of the September 11 terrorist attacks and the national anthrax scare, the U.S. Postal Service has been placed on the front lines of our war against terrorism. Three pieces of mail were recently confirmed as being contaminated with anthrax. On a grand scale, that's a low ratio, but not when human lives are concerned.

The three letters exposed workers from a wide array of postal distribution centers to anthrax and many are being treated medically as a precaution. But despite the risk of anthrax infection, our Postal Service continues to sort the mail. 34 billion pieces of mail were delivered since September 11, equaling about five pieces for each person in the world. I visited my local postal facilities and am reassured by the steps they are taking to protect their workers on Long Island.

This resolution, H. Con. Res. 257, commends the hard-working men and women of the United States Postal Service for their commitment to mail delivery during this time of national emergency. Postal workers are known for delivering mail no matter what the situation and I'm proud of their work in the face of terrorism.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 257, 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. DAVIS of Illinois. Madam 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.

REAL INTERSTATE DRIVER EQUITY ACT OF 2001

Mr. LATOURETTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2546) to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2546

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 ''Real Interstate Driver Equity Act of 2001''.

SEC. 2. REGULATION OF INTERSTATE PRE-ARRANGED GROUND TRANSPORTATION SERVICE.

Section 14501 of title 49, United States Code, is amended by adding at the end the following:

''(d) PRE-ARRANGED GROUND TRANSPORTATION.—

''(1) IN GENERAL.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law requiring a license or fee on account of the fact that a motor vehicle is providing pre-arranged ground transportation service if the motor carrier providing such service—

''(A) meets all applicable registration requirements under chapter 139 for the interstate transportation of passengers;

''(B) meets all applicable vehicle and intrastate passenger licensing requirements of the State or States in which the motor carrier is domiciled or registered to do business; and

''(C) is providing such service pursuant to a contract for—

''(i) travel from one State, including intermediate stops, to a destination in another State; or

''(ii) travel from one State, including one or more intermediate stops in another State, to a destination in the original State.

''(2) MATTERS NOT COVERED.—Nothing in this subsection shall be construed—

''(A) as subjecting taxicab service to regulation under chapter 135 or section 31138;

''(B) as prohibiting or restricting an airport, train, or bus terminal operator from contracting to provide preferential access or facilities to one or more providers of pre-arranged ground transportation service; and

''(C) as restricting the right of any State or political subdivision of a State to require that any individual operating a vehicle providing prearranged ground transportation service originating in the State or political subdivision have submitted to a criminal background investigation of the records of the State in which the operator is domiciled, by the motor carrier providing such service or by the State or political

subdivision by which the operator is licensed to provide such service, as a condition of providing such service.''.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 13102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (17), (18), (19), (20), (21), and (22) as paragraphs (18), (19), (21), (22), (23), and (24), respectively;

(2) by inserting after paragraph (16) the following:

''(17) PRE-ARRANGED GROUND TRANSPORTATION SERVICE.—The term 'pre-arranged ground transportation service' means transportation for a passenger (or a group of passengers) that is arranged in advance (or is operated on a regular route or between specified points) and is provided in a motor vehicle with a seating capacity not exceeding 15 passengers (including the driver).''; and

(3) by inserting after paragraph (19) (as so redesignated) the following:

''(20) TAXICAB SERVICE.—The term 'taxicab service' means passenger transportation in a motor vehicle having a capacity of not more than 8 passengers (including the driver), not operated on a regular route or between specified places, and that—

''(A) is licensed as a taxicab by a State or a local jurisdiction; or

''(B) is offered by a person that—

''(i) provides local transportation for a fare determined (except with respect to transportation to or from airports) primarily on the basis of the distance traveled; and

''(ii) does not primarily provide transportation to or from airports.''.

(b) CONFORMING AMENDMENTS.—

(1) MOTOR CARRIER TRANSPORTATION.—Section 13506(a)(2) of title 49, United States Code, is amended to read as follows:

''(2) a motor vehicle providing taxicab service;''.

(2) MINIMUM FINANCIAL RESPONSIBILITY.—Section 31138(e)(2) of such title is amended to read as follows:

''(2) providing taxicab service (as defined in section 13102);''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New Jersey (Mr. PASCRELL) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

The Real Interstate Driver Equity Act of 2001, H.R. 2546, was introduced by our colleague, the gentleman from Missouri (Mr. BLUNT). This legislation is needed to solve a problem that arises when a for-hire motor carrier travels across a State line in interstate commerce.

During testimony before the Committee on Transportation and Infrastructure, sort of an anomaly presented itself where if someone wanted to hire a car in Cleveland, Ohio, for instance, and take it over to Pittsburgh, Pennsylvania, to watch the Browns beat up on the Pittsburgh Steelers, as we hope will happen next month, the car for-hire could drop the person at the stadium in Pittsburgh but could not pick them back up and bring them back to Ohio without a dual licensure.

The gentleman from Ohio (Mr. BLUNT) and his co-sponsors, I know the gentleman from New Jersey (Mr. ANDREWS), have put their finger right on the pulse of what we need to do to solve this problem and hence have introduced H.R. 2546.

On November 7 of this year, the House Committee on Transportation and Infrastructure ordered by a voice vote that this bill be reported with one amendment.

Madam Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT), the primary author of the legislation.

Mr. BLUNT. Madam Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) and the members of his committee for bringing this bill to the floor today. Certainly, I also want to thank the gentleman from New Jersey (Mr. ANDREWS), the gentleman from New Jersey (Mr. PALLONE), the gentleman from Colorado (Mr. TANCREDO), and almost 20 others who have joined with us as co-sponsors on this bill.

In my district in southwest Missouri, we frankly do not have lots of limousine transportation; but we do make lots of limousines. In fact, I think we may be the biggest manufacturer of limousines anywhere in the country; and for those men and women who work to make limousines and for those many businesses, large and mostly small, and our friends in this industry who provide this service at a time when we are more and more concerned about all kinds of transportation and transportation security, this bill really solves a transportation security problem for many people.

It solves just simply a problem created in doing business every day for the small businesses that provide this great service to so many Americans, whether it is to go to that football game Mr. LATOURETTE mentioned or simply to travel from Newark Airport to the City of New York where someone can take a passenger. But as of today they could not wait for that same passenger and take them back to the airport. That passenger is deprived of the security of knowing that the person they contracted with to take them somewhere can be there and be ready to take them back or in Washington, D.C., where limousine operators have to carry three separate license plates, one for the District of Columbia, one for Maryland, one for Virginia, and are forced to change those license plates whenever they cross the boundaries in order to avoid the fines that otherwise come with the inconsistent regulation that now dominates this particular service.

Under this bill, limousine and sedan companies will be able to travel across State lines as long as they meet certain requirements, like registering with the Department of Transportation as an interstate carrier and ensuring that all their travel is prearranged.

It is also important to note that even though drivers may travel over State boundaries, they are not allowed to pick up additional business while they are on their trip. For example, if a limousine takes a person from Los Angeles to Las Vegas, they can take their client back to Los Angeles; but they cannot engage in short-term fares while waiting for the return trip.

Some cities were concerned that they would not be able to ensure out-of-state drivers had the proper security clearance. We added an amendment in committee that ensures that these States and localities will be able to require any individual operating within their jurisdiction have the proper criminal background check.

This legislation was written in cooperation with the taxi association, the limousine association, the paratransit authority, various regional airports and the City of New York. I believe we have worked on all sides to produce a compromise bill that will help small business owners while ensuring that States and localities will be able to protect their citizens.

Again, this has been a bipartisan effort. We are grateful to the committee for bringing this bill to the floor and to all those representing small business and representing the people who manufacture limousines and sedans who have worked to make this bill possible.

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

Madam Speaker, H.R. 2546, as reported by the committee, makes it unlawful for a State or political subdivision of a State, an interstate agency or a political agency of two or more States to impose any license or fee on account of the fact that a motor vehicle is providing prearranged ground transportation service in interstate commerce.

I want to commend the gentleman from Missouri (Mr. BLUNT) and the gentleman from New Jersey (Mr. ANDREWS). I think they have tried in the past, and here we have it on the floor today.

The company providing the service must be properly registered to provide service in interstate commerce and must meet all the licensing requirements of the State in which it is domiciled or registered to do business.

This legislation is extremely critical, Madam Speaker, for limousine firms in my own State of New Jersey as they attempt to keep their businesses afloat after September 11.

The for-hire vehicle industry is made up of 18,600 companies nationally that provide local for-hire passenger transportation service. These services include taxicabs and black cars and airport shuttles, executive sedans and limousines. There are approximately

254,000 vehicles that transport over 2 billion passengers in 1 year.

Massive layoffs in this predominantly small business industry are estimated to number 80,000 out of a total of 162,000 nationally. This is a workforce that will be cut in half, and I am hopeful that this bill can ease the burden.

We are not just talking about owner-operators and drivers. We are talking about coach builders, as the gentleman from Missouri (Mr. BLUNT) spoke of, dealers, the thousands of vendors who do business with this industry.

Madam Speaker, I am pleased that the bill before us addresses the concerns expressed by airport, train and bus terminal operators, as well as the City of New York, regarding prior drafts of the bill. The bill does not restrict an airport, a train or a bus terminal operator from contracting to provide preferential process or access to one or more providers or prearranged ground transportation service, nor does it restrict the rights of any State or political subdivision to require that ground transportation operators submit to criminal background checks as a condition of providing the service.

Finally, this bill reaffirms that taxicab services are exempt from the economic and minimum liability regulations of the Federal Government.

This is an imminently sensible compromise, Madam Speaker. This is a piece of legislation we have supported for years. I urge my colleagues to join us in support of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I might consume, and I just want to emphasize a point that our colleague and the author of the bill, the gentleman from Missouri (Mr. BLUNT), made during his remarks, and that is, during the full committee markup of this legislation, there was some concern expressed by principally the gentlewoman from Nevada (Ms. BERKLEY) and the concern of some cities that a car would come into town on a 2-day trip, perhaps, and while waiting for their fare to take them back to Los Angeles or wherever, they came in, would engage in transporting others to different places within Las Vegas to the detriment of locally licensed vendors.

The gentleman from Missouri (Mr. BLUNT) and his co-sponsors have very carefully crafted the bill to ensure that that fear is not realized, and I commend him for making that change and being sensitive to some of the concerns raised and, as a matter of fact, the only concerns raised in the committee about the bill; and as I say, it passed the committee by voice vote.

Madam Speaker, I reserve the balance of my time.

Mr. PASCRELL. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS), my friend and a long-time leader in this area.

Mr. ANDREWS. Madam Speaker, I thank the gentleman from New Jersey (Mr. PASCRELL), my friend and neighbor, for yielding the time to me; and I am proud to rise as a co-sponsor and supporter of the legislation.

Let me begin by thanking the gentleman from Missouri (Mr. BLUNT) without whom this legislation would not have gotten on the floor; his legislative skill and his partnership in this effort are truly appreciated, and I thank the gentleman for his work.

I also want to extend my appreciation to the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New Jersey (Mr. PASCRELL). The gentleman from New Jersey (Mr. PASCRELL) was one of the earliest and most significant co-sponsors of this bill, and I know that the small business people in his district and across the country appreciate his leadership on this.

Let me also express my appreciation to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and the majority and minority staffs of the committee for their excellent cooperation in bringing us to this point.

I also want to thank my friend and constituent Don Kensey, Madam Speaker, who is with us today who first brought this to my attention several years ago in my office in New Jersey.

This legislation is good for the traveling passenger. It is good for the small business person, and I believe it is good for highway safety. It is good for the traveling passenger because it gives him or her more choices as to how to get to where they want to go, and with transportation being something in a state of confusion today or anxiety, having one more safe and secure choice to go from south Jersey, where I live, to New York City or to go from Los Angeles to Las Vegas and back or from Cleveland to Pittsburgh to watch the Steelers, I will not say defeat the Browns since the gentleman from Ohio (Mr. LATOURETTE) still has control of the time, take on the Browns, these are choices people ought to be able to make; and because of this legislation, they will be able to.

Second, there are, as the gentleman from New Jersey (Mr. PASCRELL) said, thousands of small business people around this country who are profoundly affected by this legislation. These are men and women who are living from paycheck to paycheck, who are scraping to get their businesses going; and by giving them the chance to compete on a fair and level playing field, we are enhancing their ability to employ their employees and to move their passengers and customers around the country.

Finally, I think the legislation is very much needed for highway safety purposes because face it, very often, these vehicles are employed by people who are out for that great, good time in celebration of a wedding, celebration of a graduation, a special occasion in the family where people want to relax and enjoy themselves and should not be behind the wheel.

□ 1615

Madam Speaker, when they employ one of these vehicles, it permits them to travel safely, to make the highways safer for each one of us.

Following up on something the gentleman from New Jersey (Mr. PASCRELL) said, this industry, because of its close relationship to air travel, is in a state of great distress. From the leadership of gentleman from New Jersey (Mr. PASCRELL) on the Committee on Small Business, and the gentleman from Missouri (Mr. BLUNT) and others on the majority side are trying to find ways through the Small Business Administration and other vehicles, other agencies, to try to help this segment of the air travel industry through a grave and difficult crisis.

Madam Speaker, I hope that today is simply the first step in a broad and comprehensive effort to help this integral and important part of our air transportation system stay in business and stay intact.

Madam Speaker, I extend my thanks for the cooperation of the gentleman from Missouri (Mr. BLUNT). I urge my colleagues to carefully consider the legislation, give it their affirmative vote and pass this legislation.

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

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

Madam Speaker, I enter into the RECORD an exchange of letters between the Committee on Transportation and Infrastructure and the Committee on Commerce and Energy on the bill under consideration, H.R. 2546.

The letters referred to are as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 13, 2001.

Hon. DON YOUNG,
Chairman, Committee on Transportation, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing with regard to H.R. 2546, the Real Interstate Driver Equity Act of 2001. As you know, Rule X of the Rules of the House of Representatives grants the Committee on Energy and Commerce jurisdiction over interstate commerce. H.R. 2546 deals in significant part within such matters, and is therefore within the jurisdiction of my Committee.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 2546. In addition, the Energy and Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are

within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Commerce Committee for conferees on H.R. 2546 or similar legislation.

I request that you include this letter as a part of the Committee's report on H.R. 2546 and as part of the Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 13, 2001.

Hon. W.J. (BILLY) TAUZIN,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TAUZIN: Thank you for your letter of November 13, 2001, regarding H.R. 2546, the ''Real Interstate Driver Equity Act of 2001'' and for your willingness to waive consideration of provisions in the bill that are under your committee's jurisdiction under House Rules.

I agree that your waiving consideration of relevant provisions of H.R. 2546 does not waive your committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are within the your committee's jurisdiction during any House-Senate conference on H.R. 2546 or similar legislation, and would support your request for conferees on such provisions.

Your letter and this response will be included in the record during floor consideration of the bill.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

Mr. SHAYS. Madam Speaker, I rise in strong support of the Real Interstate Driver Equity Act.

I was disappointed when I learned from ground transportation operators in my southwestern Connecticut district that a Stamford couple attending a play in Manhattan could hire a Connecticut car service to bring them to the city, but the same service couldn't bring the client back to Stamford without purchasing a costly additional permit from New York! This is absurd.

Car services based in Connecticut that take clients to and from New York City—duly licensed and insured under the guidelines of the Federal Highway Administration—should not have to purchase additional permits from a local government in order to provide round trip service.

This common sense legislation simply says that a licensed livery company cannot be subject to additional permitting requirements to complete a round trip into another state. The Livery Permit issued by the Federal Highway Administration is the only permit that should be necessary to conduct interstate commerce.

Just as I do not need to obtain separate drivers' licenses from D.C., Maryland, Delaware, New Jersey and New York in order to drive home to Connecticut at the end of the week, local governments should not have the authority to hold interstate commerce hostage to discriminatory pricing schemes.

Mr. PETRI. Madam Speaker, the Real Interstate Driver Equity Act of 2001 (H.R. 2546) was introduced by Representative ROY BLUNT of Missouri. This legislation is needed to solve a problem that arises when a for-hire vehicle, usually a limousine or sedan, travels across a state line in interstate commerce.

As the law is written today, state and local jurisdictions can require for-hire vehicles to be licensed in multiple states. In some instances, if they do not pay for additional licenses they can only drop their passenger in another state. They cannot make incidental stops. They cannot return the same passenger to the state of origin.

An example that illustrates the problem with the current framework is that of a traveler who arranges to be picked up at an airport. On the way home to another state, they wish to stop and have dinner within the same state in which they arrived. This seems like a reasonable situation. What could go wrong with this arrangement? Unfortunately, that stopover could result in the car being ticketed, towed and impounded. The customer is stranded to look for a way to get home and the car service is left without a car and with hundreds or even thousands of dollars in fines and fees.

This is not a fair practice and H.R. 2546 corrects the problem. For-hire vehicles providing prearranged ground transportation should be able to engage in interstate commerce. This legislation would not allow a carrier to operate in another jurisdiction with spontaneous new clients as though they were licensed within that jurisdiction. The legislation also protects the right of transportation terminal operators to provide preferential access and States and political subdivisions to require criminal background checks.

The for-hire vehicle industry utilizes nearly 250,000 vehicles to move more than two billion passengers each year. With the economic downturn, they are an industry that has been hard hit and have requested financial support from the Congress.

With the current budgetary climate, I am doubtful that the Congress will be able to provide direct fiscal relief. However, H.R. 2546 will reduce a burden that costs for-hire vehicle operators business and costs consumers efficient travel and convenience. Representative BLUNT's bill is the next best thing to directing financial relief in these trying times.

I am pleased to report that after more than two years of consideration, this legislation has reached the House Floor. The Committee on Transportation and Infrastructure has been working with the sponsor and other interested parties to resolve the areas of controversy. As amended at Committee, H.R. 2546 has addressed all of the various concerns. I urge our colleagues to support this legislation.

Mr. LATOURETTE. Madam Speaker, I urge my colleagues to support this good piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2546, 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.

JAMES L. WATSON UNITED STATES COURT OF INTERNATIONAL TRADE BUILDING

Mr. LATOURETTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2841) to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building.''

The Clerk read as follows:

H.R. 2841

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

SECTION 1. DESIGNATION.

The building located at 1 Federal Plaza in New York, New York, shall be known and designated as the ''James L. Watson United States Court of International Trade Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''James L. Watson United States Court of International Trade Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New Jersey (Mr. PASCRELL) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Madam Speaker, H.R. 2841 designates the building located at 1 Federal Plaza in New York as the ''James L. Watson United States Court of International Trade Building.'' I thank the ranking member and senior member of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), for bringing this legislation to the attention of the committee and urging that we move on it in an expeditious fashion.

Judge Watson was born in Harlem, New York. He was the son of parents that had both been born in Jamaica, and his father served as a municipal court judge for 18 years. Judge Watson served with the Buffalo Soldiers in the 371st Infantry Regiment, 92nd Division, in World War II. He was wounded in Italy and returned to the United States decorated with a Purple Heart and the Infantry Combat Badge.

After returning from the war, he graduated from New York University in 1947 and Brooklyn Law School in 1951. Judge Watson was elected to the New York State Senate in 1954. While serving in the State Senate, in 1962 President John Kennedy chose him to accompany Vice President Johnson to

the Jamaican Independence celebration. In 1963, Judge Watson was elected to the New York City Civil Court.

He served on the City Civil Court until President Johnson appointed him to what was known as the United States Customs Court and that is now known as the United States Court of International Trade in 1966. The nine members of the United States Customs Court could be assigned to sit in any Federal District Court in the Nation.

Because of his previous experience in the City Civil Court, in his first year on the Federal bench, Judge Watson was assigned to hear cases in California, Oregon, Washington, Atlanta, Tampa, Houston, El Paso, San Antonio and Dallas on civil and criminal matters. He was the first African American to sit on the Federal bench in the deep South.

Judge Watson worked to help modernize his court under the Customs Court Act of 1970. As chairman of the Court's Rules and Practices Committee, he reworked the rules and facilitated the modernization of the court with the introduction of computers. He took senior status in 1991. He passed away in Harlem earlier this year.

Madam Speaker, Judge Watson was a dedicated Federal judge and an exemplary public servant. This action is fitting to designate the Court of International Trade Building in his honor. I support the bill and urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I am in strong support of H.R. 2841, sponsored by the gentleman from New York (Mr. RANGEL). Madam Speaker, what a great feeling to start out in the judge's chambers as a law clerk, and be able to come to the floor of the House of Representatives to introduce legislation that would be a fitting response, a fitting response to years of service and dedication.

Judge Watson served on the United States Court of International Trade. It was a lifetime appointment by President Lyndon Johnson. He was a former New York State Senator and a civil court judge. His career spanned 36 years, and he set a record of 70 appearances serving as a visiting judge in districts around this great Nation.

On several occasions, he was the first African American judge to hold court in parts of the deep South, the Virgin Islands and Puerto Rico. Compassion and evenhandedness are the best mirror when one holds it up to his decisions and written documents which he placed into the record. In World War II, yes, he served as an infantryman with the legendary black 92nd Buffalo Soldiers Division. What a legacy they left this great democracy.

He was seriously wounded in combat in Italy and received the Purple Heart, the Battle Star, the Combat Infantry Badge and a U.S. Army commendation. He attended New York University and Brooklyn Law School. Upon graduation, he established a private practice with retired Judge Bruce Wright; Lisle Carter, former Assistant Secretary of the Department of Health and Human Services; and Jacob Smith.

This is a very special dedication today. In March 1966, President Johnson named Judge Watson to the United States Customs Court, which was later renamed the Court of International Trade. During his year on the International Court, Judge Watson helped develop a modern court system, rewrote many of the court's rules, and introduced computers into the court.

He was noted for a judicial style that was very fair and very balanced. His personal ability to settle many civil cases out of court helped avoid costly expenses and the unpredictability of an often-long trial. He was a lifelong resident of Harlem, a sought-after public speaker, and an insightful adviser to all local politicians. His family is well known and very active in civic affairs. His cousins include Bruce Llewellyn, chairman of Coca-Cola; Secretary of State Colin Powell; and Dorothy Llewellyn Cropper, a New York Supreme Court Justice.

His life was full of success, friendship, his devoted family and his loving wife. It is fitting and proper to honor the distinguished Judge Watson with this designation.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. RANGEL. Madam Speaker, this is a great privilege and honor for me, and one that I have never really enjoyed before, to talk about a friend that has passed away and at the same time to talk about trying to leave something that is made out of steel and concrete as a memory for him.

This is difficult because Judge Watson was anything but a monument. He was just a living example of what a great country that we live in. It is true, as the distinguished gentleman from New Jersey (Mr. PASCRELL) said, he came from a family that is well known, a family of hard workers and high achievers. But still that same family, as the gentleman pointed out, really never left the Harlem community. They were always there as mentors for those who wanted to help themselves.

Judge Watson served as a guide and a symbol of what can happen in this great country when people try to make something out of their lives. So whether he was a lawyer or whether he was a judge, he was always somebody that we just called plain old ''Skiz.''

It is remarkable how his family was able to visit with him, his daughter Chris and other daughter Karen, while he was on his death bed. I have never in my life heard of anyone that was leaving that was so concerned about his friends and family that he mapped out everything that he would like to see happen before he left us, and had a chance to tell each and every one how much he loved them.

Madam Speaker, I just think that it is fitting that all of the judges have come together to request that this building that they have worked in, the International Trade Court, be named after one of them because he was representative of all of their feelings. Even though he did retire in name only, on the complex cases he was called in, and he welcomed the opportunity to continue to serve as he served in combat and was wounded and received the Purple Heart for his World War II services.

If there was any award that we could possibly give a civilian that loved his country and his community until literally the day that he died, then Skiz, or Judge Watson, would be the person.

It is a privilege for me from the community, from the City and State of New York, to be the sponsor of this legislation. Its passage would mean that generations to follow will know who Skiz was and what he meant to our great country.

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

Madam Speaker, I thank the gentleman from New York (Mr. RANGEL) for being here, because this is a proposal that is presented with heartfelt knowledge of a great American.

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

□ 1630

Mr. LATOURETTE. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I again thank the gentleman from New York (Mr. RANGEL) for bringing this matter to our attention. I thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), and the distinguished ranking member, the gentleman from Minnesota (Mr. OBERSTAR), as well as my good friend, the gentleman from New Jersey (Mr. PASCRELL).

I urge all Members to support this legislation.

Mr. OBERSTAR. Madam Speaker, H.R. 2841 is a bill to designate the court of international trade in New York City in honor of Judge James L. Watson. Judge Watson, a native New Yorker born in Harlem in 1922, lived and worked his entire life in New York. He served in the New York State Senate and as a Civil Court Judge before his appointment by

President Johnson to the federal bench in 1966.

During World War II, he served in the legendary Buffalo Soldiers Division. He was awarded the Purple Heart, the Battle Star, the Combat Infantry Badge, and a U.S. Army commendation. After the war, he began private practice and became actively involved in local politics. In 1963, he was appointed to the Civil Court of New York and hired our Colleague CHARLIE RANGEL as one of his staff attorneys. During his years on the Court of International Trade, he modernized the court system and played a major role in rewriting the court's rules. He was instrumental in introducing computers into judicial activity .

Judge Watson was the Nation's most senior African-American federal judge. He enjoyed a national reputation for handling our fair sentences. He was a sought-after public speaker, served on the Board of Visitors of Fordham University, and on the board of the Harlem YMCA. His colleagues, politicians, and even other lawyers, sought his wise advice and safe counsel. Judge Watson's life serves as a model of diligence, hard work, and fairness.

It is a well-deserved honor to designate the very building in which Judge Watson served with distinction for over three decades as the "James L. Watson United States Court of International Trade Building."

I urge all Members to support this bill.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2841.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2841 and H.R. 2546, the measures just considered by the House.

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

There was no objection.

FRANK R. LAUTENBERG AVIATION SECURITY COMPLEX

Mr. LOBIONDO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2776) to designate buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, as the "Frank R. Lautenberg Aviation Security Complex".

The Clerk read as follows:

H.R. 2776

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

SECTION 1. DESIGNATION.

Buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, shall be known and designated as the "Frank R. Lautenberg Aviation Security Complex".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the buildings referred to in section 1 shall be deemed to be a reference to the "Frank R. Lautenberg Aviation Security Complex".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from New Jersey (Mr. PASCRELL) each will control 20 minutes.

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

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

Madam Speaker, I rise in strong support of H.R. 2776, to designate buildings 315, 318, and 319 located at the William J. Hughes FAA Technical Center as the Frank R. Lautenberg Aviation Security Complex. During his stellar 18-year career in the United States Senate, Frank Lautenberg was a strong voice for the improvement of aviation security in our Nation, a topic that has sadly gained more attention in the weeks following September 11. Twice before, he took a central and key role in examining the causes of aviation disasters. In 1988, after the bombing of Pan Am Flight 103, he chaired the first congressional hearings looking into the disaster and was one of only four congressional Members to serve on President George H.W. Bush's Presidential Commission on Aviation Security and Terrorism.

Eight years later, in response to the TWA 800 disaster, Senator Lautenberg supported a commission investigation into the incident and, along with his colleagues, sponsored legislation that appropriated more than $400 million for the acquisition of new explosive detection devices and other aviation security improvements.

The complex referred to in my legislation is located at the FAA Technical Center in Egg Harbor Township, in my district. The tech center is our Nation's top research and development facility where nearly every advance in aircraft safety and security is born and tested by some of the most remarkable and dedicated professionals in the field. The work they are doing is tremendously important, and I salute them for their efforts. In fact, I introduced this bill on the suggestion of the tech center employees and their leadership, and I have been happy to have their support on this issue as I have worked with House leadership to bring this bill to a vote today.

The dedication of the government and private sector employees working today at the tech center mirrors the longtime dedication of Senator Lautenberg to the cause of aviation safety. It is our shared goal that Congress continue to do everything possible to find the right solutions that will ensure the traveling public will be able to fly safely and securely. Sadly, yesterday's tragedy in New York City reminds us of the constant need for new and better innovations in aircraft safety technology. I also hope that the naming of this facility will not only honor the Senator but will also serve as a reminder of the vigilance he displayed in working to protect the traveling public and the vigilance needed to spur new advances.

I would like to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), and all my cosponsors of the bill, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. HOLT), the gentleman from New Jersey (Mr. PALLONE), the gentleman from New Jersey (Mr. PAYNE), the gentleman from New Jersey (Mr. PASCRELL), and the gentleman from New Jersey (Mr. ROTHMAN), for their support.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of H.R. 2776. This bill designates buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes, named after another great American from New Jersey, a great Congressman, Technical Center in Atlantic City as the Frank R. Lautenberg Aviation Security Complex. I commend the gentleman from New Jersey (Mr. LOBIONDO) for always reaching across the aisle sincerely and the entire New Jersey delegation support of this good legislation.

In this time of uncertainty and uneasiness about aviation, I can think of no more fitting tribute to a man who changed our way of thinking about aviation. Senator Lautenberg is a great American and a son of my hometown of Paterson, New Jersey. The son of immigrants, Frank Lautenberg came from a working-class background. In fact, his father worked in the silk mills in Paterson located around the same area where I grew up.

After graduating high school, he served the United States citizens by joining the Army Signal Corps in Europe. Upon his return, Senator Lautenberg began a life of public service to the citizens of the Garden State. The impact he has had on our Nation's

health, safety and security is significant; and that is why we honor him today. He is the author of laws that have shaped the lives and enriched the health and safety of Americans.

Throughout his 19 years of public service, Frank Lautenberg distinguished himself as a thoughtful and energetic leader. He advocated passionately for transportation issues, including aviation security. The terrorist attack over Lockerbie, Scotland, propelled the President to create the President's Commission on Aviation Security and Terrorism. Frank Lautenberg served with distinction on the Pan Am 103 commission, and worked over the last several years on a number of initiatives to promote and to fund aviation security.

Frank Lautenberg's leadership in the Senate laid the foundation to enhancing aviation security. The commission's 1990 report found the Nation's civilian aviation security system to be seriously flawed and made 64 recommendations to correct those flaws. The Aviation Security Improvement Act of 1990 incorporated those recommendations.

In 1996, spurred on by the tragedy of TWA 800, that tremendous explosion, President Clinton organized another commission, the 1996 White House Commission on Aviation Safety and Security. The commission made 31 recommendations for enhancing aviation security that were ardently supported by Senator Lautenberg. He subsequently led efforts in the Senate to include measures in the 1996 FAA Reauthorization Act and the Omnibus Consolidated Appropriations Act of 1997 to not only intensify security but also to appropriate needed funds for new explosives-detection technology.

I was able to visit the Atlantic City facility earlier this year with my friend, the gentleman from New Jersey (Mr. LOBIONDO), and the rest of our subcommittee. The work that they are doing in that facility is remarkable. It will assist us for generations to come in terms of aviation security. The research conducted at the Federal Aviation Administration's technical center is on the cutting edge. I must tell my friend from New Jersey, as many times as I passed there before I became a Congressman, never did I see what was going on in there. I was absolutely floored at the work that is being done in our behalf and the citizens of this great Nation. The programs housed in those buildings, to be renamed in honor of Senator Lautenberg, are key to successful research.

At the core is building 315, the aviation security laboratory, which was dedicated to the victims of Pan Am 103. Research in the ASL focuses on bulk explosives detection and certification testing. Buildings 318 and 319 are dedicated to bulk luggage and luggage containers testing, and explosives trace detection equipment operations and testing, respectively. This is critical to the aviation industry in our Nation. If we do what we have to do in the next 2 weeks, we will begin to continue to finish the package which we started a few years ago.

Madam Speaker, I thank my New Jersey colleagues for introducing this measure; and I urge my colleagues' support for H.R. 2776.

Madam Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I want to commend my good friend and colleague, the gentleman from New Jersey (Mr. LOBIONDO), for this meaningful resolution and for his sensitivity and his bipartisanship in proffering it today and for naming the tech center, which is an outstanding center in New Jersey in his district, after Frank Lautenberg.

Madam Speaker, while I had serious differences with Senator Lautenberg from time to time especially on safeguarding unborn children there is no doubt that Frank worked tirelessly for the State of New Jersey. A self-made millionaire, he knew that hard work and industry are key ingredients in any endeavor. He was a great friend of Amtrak. We all know how vital Amtrak is to the Northeast Corridor and New Jersey in particular. The ridership continually climbs, not just because of aviation safety issues but because people like it; it is relatively inexpensive; and it gets you there on time and schedule, permits maximum flexibility in personal or professional planning.

He also worked very hard with me and as he did with other Members of our delgation. For example we recently had a specific need in Manasquan. We wanted to get a new state of the art motorized lifeboat, for sea rescues and recovery. Senator Lautenberg and I worked the procurement of the boat from both ends of the Capitol and succeeded.

He helped lead the effort against smoking on commercial aircraft. My mother died from lung cancer as a result of smoking and my family and I miss her dearly. We know that something on the order of 400,000 to 500,000 people will die from smoking every year. It's an outrage. Yet, having a flight attendant as a sister-in-law and a brother who is a pilot and 757 captain, we know that secondhand smoke can be very deleterious to one's health and can lead to lung cancer and emphysema and other anomalies attributable to smoking.

Finally, one seemingly obscure provision that Senator Lautenberg took the lead on that really does not make the front page, and it is something that I have worked with him on for many years, and that was known as the Lautenberg amendment. It was an amendment designed to assist, to facilitate emigration of Soviet Jews and other persecuted people in the Soviet Union as well as Indochinese nationals, to give them a special and a vitally necessary protection and refugee status.

Madam Speaker, normal refugee procedures require an adjudication of that case on a case-by-case basis. The record clearly indicated that many people, worthy individuals, were being improperly screened out and being left behind in a the country where tyranny did its terrible misdeeds to those individuals. Because the Soviets, for example, imposed such egregious repression on Jews and whole categories of people by reason of their inclusion and identification with that group, the Lautenberg amendment first adopted in 1990 stipulated that if the whole group was affected, they as individuals would be able to get the kind of protection refugee status that would lead to their freedom.

□ 1645

The Lautenberg amendment has resulted in freedom for thousands of people. Again, it never made a big splash in the media, but it is a very humanitarian piece of legislation for which he is the author.

I thank again my good friend, the gentleman from New Jersey (Mr. LOBIONDO), for sponsoring this bill.

Mr. PASCRELL. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE), a very close associate of Senator Lautenberg.

Mr. PAYNE. Madam Speaker, I thank the gentleman for yielding me time and allowing me to express my appreciation for the work done by Senator Lautenberg. Let me commend, in addition to the gentleman from New Jersey (Mr. PASCRELL), the gentleman from New Jersey (Mr. LOBIONDO) for bringing this legislation to the floor.

I am pleased to rise in support of this measure to designate three buildings located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City as the Frank R. Lautenberg Aviation Security Complex after one of New Jersey's most distinguished and dedicated public servants, my friend and my former colleague, Senator Frank Lautenberg.

Senator Lautenberg is well known throughout New Jersey and the Nation for his prolific legislative achievements, but even before his election to the United States Senate, he worked tirelessly in pursuit of the American dream. He is proof that this country is great, because of what he was able to do even before he was elected to the United States Senate.

His is indeed a classic American success story. Born to immigrant parents, as we have heard, who were forced to move consistently in search of work,

his father worked in the mills, his mother worked in other types of jobs during World War II, at Prudential doing work there, but he set his goals for himself in his early life. He remembered what his parents told him, that he could be anything he wanted to be, and he never wavered in the quest to fulfill his aspirations.

After completing high school in Nutley, New Jersey, he enlisted in the Army, serving in the Army Signal Corps in Europe during World War II. After the war, he earned a degree in economics from Columbia University, using the GI Bill, which was a bill where America said we are going to educate our returning veterans. So many Americans were able to lift themselves up because the Federal Government made a determination that we should help our returning servicemen. As a matter of fact, that program, where many people talk about government is too big, that set the United States of America far ahead of the world, and that is why we have been able to achieve the prominence that we have today.

After the war and after he earned his degree, then he got into the spirit of American entrepreneurship and joined two boyhood friends in establishing a payroll service company, Automatic Data Processing, ADP.

Senator Lautenberg was a champion of the revitalization efforts throughout New Jersey. Following my election to the House of Representatives in 1988, I was always able to count on Senator Lautenberg as an advocate of major economic development efforts, including the world-class Performing Arts Center in Newark, New Jersey, which helped to stimulate economic development; and now Newark is moving back to the prominence that it once had: the development of the waterfront; millions of dollars in funding for Urban Core mass transit programs, including the Newark-Elizabeth Rail Link, Bergen Rail, and throughout the State.

Senator Lautenberg gained a national reputation as a powerful voice for environmental protection, fighting for safe drinking water, clean air, a ban on ocean dumping of sewage, clean beaches, prevention of oil spills and a strong Superfund bill to clean up toxic sites.

Senator Lautenberg has worked to improve educational opportunities in our Nation so that coming generations will have the chance to live the American dream as he has. Senator Lautenberg helped author the Hope Scholarship, which provides a $1,500 tax credit for college students. He fought to improve our public schools by providing important resources, including new computers, so that students will be prepared for high-tech jobs in the future. He even put his own money up to say that any kids who graduate from the elementary school that he went to could go to college, and he would pay the way.

A strong supporter of affirmative action, Senator Lautenberg has fought discrimination based on race, religion, disability or sexual orientation. He was a staunch supporter of the Americans With Disabilities Act, and in 1991 he supported the Civil Rights Act strongly. He has supported full funding for the Legal Service Corporation to ensure that all individuals have access to legal protection.

In addition to his work here, I had the opportunity to travel to Israel with Senator Lautenberg, where an entire community center for education, for the help of young children in Israel, is there as a contribution that he has done.

So his work has been worldwide, and I think it is no more fitting and proper today, as has been indicated by my colleague from Paterson, that when air transportation is being questioned, when there is, as we know, the horrible act of yesterday, where a tremendous accident happened over in New York, that we need to be sure that we have the opportunity to name a facility in the name of such a great person.

So I urge my colleagues to support this resolution honoring the great former colleague, Senator Frank Lautenberg.

Mr. PASCRELL. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank my friend from Paterson for yielding me time, and I thank my friend the gentleman from New Jersey (Mr. LOBIONDO) also for advancing this legislation to recognize an important function, an important center, but especially to recognize an important American.

Former Senator Frank Lautenberg has left a mark on America that we all should recognize. In education, his support for public schools; in law, his support to provide good legal advice for the less advantaged; in arts and culture; in the environment, clean air, clean water, excellent legislation dealing with open space and Superfund.

But we all know him best for his work in transportation. In 14 years as ranking member and chairman of the Subcommittee on Transportation of the Committee on Appropriations, he made a mark on almost every aspect of transportation in America. It is not just building things and funding infrastructure, there is much of that that we can point to; but it was other things, such as we have heard mentioned today.

He recognized that smoking is not just an annoyance; that other people's smoke actually is a health hazard, and he banned smoking in airplanes.

But what I particularly remember is the work that he did to stop drunk driving. With his 0.08 alcohol level legislation, he saved so many lives that you could fill a sports stadium with the young adults who are alive today because of what he did. But, of course, the difficult point is, no one knows who those are, whose lives were saved, so we could not find them to fill the stadium. But, believe me, there are countless tragedies that have been prevented because of Frank Lautenberg's 0.08 alcohol legislation.

So, throughout the area of transportation he has left an important mark, and it is fitting that we recognize him now in one area where he contributed something that is particularly relevant today, and that is transportation, specifically airline security.

I commend my friends for advancing this legislation, and I urge its passage to the rest of my colleagues.

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

Madam Speaker, before yielding back, I just want to thank again the gentleman from New Jersey (Mr. LOBIONDO) for his diligent work, and I want to thank the gentleman from Alaska (Chairman YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for helping us get to the floor here, and thank all the Members from the New Jersey delegation.

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

Mr. LOBIONDO. Madam Speaker, I yield myself such time as I may consume to close.

Madam Speaker, I would like to say that it was an honor for me to serve with Senator Lautenberg. I learned a great deal from the Senator about effective and positive public service. He was someone that led by example, and his leadership and vision will have a lasting impact on our aviation security. This indeed is a fitting tribute to a great leader that I am very proud to call my friend.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 2776.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LOBIONDO. Madam 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. 2776.

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

There was no objection.

KLAMATH BASIN EMERGENCY OPERATION AND MAINTENANCE REFUND ACT OF 2001

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2828) to authorize refunds of amounts collected from the Klamath Project irrigation and drainage districts for operation and maintenance of the Project's transferred and reserved works for water year 2001, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2828

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 ''Klamath Basin Emergency Operation and Maintenance Refund Act of 2001''.

SEC. 2. QUALIFIED KLAMATH PROJECT ENTITY DEFINED.

In this Act, the term ''qualified Klamath Project entity'' means an entity that—

(1) has executed a water supply contract with the United States for water from the Upper Klamath Lake and the Klamath River of the Klamath Project pursuant to the reclamation laws, including the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto;

(2) distributes water received under the contract;

(3) received a severely limited irrigation supply from the Upper Klamath Lake and the Klamath River based on the Bureau of Reclamation 2001 annual operations plan dated April 6, 2001; and

(4) was not reimbursed for its operation and maintenance expenses for 2001 pursuant to State law.

SEC. 3. REFUND AND WAIVER OF ASSESSMENTS AND CHARGES FOR OPERATION AND MAINTENANCE OF KLAMATH RECLAMATION PROJECT.

(a) IN GENERAL.—The Secretary of the Interior is authorized to pay to each qualified Klamath Project entity an amount equal to the amount assessed or charged to members of the qualified Klamath Project entity, or to other persons receiving water or drainage service from such an entity, for operation and maintenance of Klamath Project transferred and reserved works for 2001.

(b) CONDITIONS.—Payment under this section may be made to a qualified Klamath Project entity only after the entity has—

(1) provided to the Secretary documentation satisfactory to the Bureau of Reclamation, demonstrating the total amount assessed or charged to members of the entity or to persons receiving service from the entity; and

(2) executed a binding agreement under which the funds paid to the entity under this section shall be distributed to each member of the entity or persons receiving service from the entity in an amount equal to the amount collected by the entity from the member or person for operation and maintenance for 2001.

(c) WAIVER OF REMAINING AND ADDITIONAL CHARGES.—The Secretary may waive any requirement that a qualified Klamath Project entity pay remaining or additional charges for operation and maintenance of Klamath Project reserved works for 2001.

(d) PAYMENTS AND WAIVERS FOR INDIVIDUALS.—The Secretary—

(1) may pay, to any individual within the Klamath Project who holds a contract entered into pursuant to the Act of February 21, 1911 (36 Stat. 925; 43 U.S.C. 523–525), popularly known as the ''Warren Act'', and who is not within a district that receives a payment pursuant to subsection (a) and a waiver under subsection (c), an amount equal to the amount collected from such individual for operation and maintenance of Klamath Project reserved works for 2001; and

(2) may forego collection from such individual of charges for operation and maintenance of such works for the remainder of 2001.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Amounts not paid by a qualified Klamath Project entity to the Bureau of Reclamation for the operation and maintenance of the reserved works for 2001 shall be funded from the appropriations authorized by this Act. Costs incurred by the Bureau of Reclamation in carrying out this Act shall not be reimbursable.

SEC. 5. NO SUPPLEMENTAL OR ADDITIONAL BENEFIT.

Activities under this Act or funded pursuant to this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2828 gives hope to those people whose livelihoods face ruin as a result of the Interior Department's decision to shut off water to some 1,200 farm families of the Klamath Basin for the first time in the nearly 100-year history of the Bureau of Reclamation's Klamath Project.

Many of these farm families are proud veterans or descendants of American veterans who wore our country's uniform and fought for freedom. The Federal Government lured them to this basin with a promise of water and land for life. They were encouraged by the Federal Government to settle the land and to feed the country.

Last summer, without water, parched fields turned to dust and farm families began to stare bankruptcy in the face. To make matters even worse, these same farmers were paying for the operation and maintenance of the myriad of canals and waterways this year, paying for a project that would deliver them virtually no water. You know, in America you should not have to pay for something you do not receive, and that is where this legislation rights a wrong.

I want to thank the gentleman from Utah (Chairman HANSEN) and the ranking member, the gentleman from West Virginia (Mr. RAHALL) for their cooperation and support of this legislation. This measure results from testimony at a field hearing we held earlier this year in Klamath Falls. It is very much appreciated that we had that opportunity.

I also want to thank my colleagues, the gentleman from Oregon (Mr. DEFAZIO) and the gentlewoman from Oregon (Ms. HOOLEY), for their bipartisan cosponsorship and support of H.R. 2828. We continue to work together to find real solutions to the very real and difficult problems confronting the farmers, the tribes and the environment of the Klamath Basin. Rest assured, in the months ahead we will continue to bring legislation to address other very significant issues in this basin.

H.R. 2828 provides both a measure of fairness and a measure of emergency relief. It authorizes the Bureau of Reclamation to return or waive fees paid by irrigation districts and, ultimately, by their patrons this year. It puts money back in the hands of the farmers who so desperately need it.

H.R. 2828 will authorize the Secretary of Interior to pay each qualified Klamath Project entity an amount of money that was assessed them for operation and maintenance of the Klamath Project for 2001.

Section 2 defines the qualified Klamath Project as an entity that, one, has a water supply contract with the Bureau of Reclamation for water from the Upper Klamath Lake and Klamath River; two, distributes water received under the water supply contract; and three, received a severely limited supply based on the 2001 annual operations plan issued April 6, 2001; and finally, four, did not already receive refund payments.

□ 1700

Mr. Speaker, this bill is the fair thing to do for the people who have experienced such terrible hardship. I hope that all of my colleagues can support this straightforward bill.

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

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

Mr. Speaker, the pending legislation would enable the Secretary of the Interior to waive or refund operation and maintenance payments for certain irrigation districts which contract with the Bureau of Reclamation for water from the Klamath Project. This measure is being advanced because while many water districts have paid their operation and maintenance expenses, due to drought conditions, they ultimately did not receive water from the Klamath Project.

While I am not opposed to this bill, I do want to note for the record that the United States has experienced additional expenses due to the reaction of certain individuals to the drought-related reduction in Klamath water deliveries. For instance, when the drought caused the Interior Department to not deliver water, certain individuals took it upon themselves to pry open the headgates of Klamath Lake to

release water. This has caused the Government to expend approximately $750,000 guarding the headgates of the Klamath Project from further acts of lawlessness.

Certainly, these funds would have been better spent developing long-term solutions to the water problems in the Klamath Basin.

For the time being, however, recognizing the hard work put into this measure by the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Oregon (Mr. WALDEN), I do urge its adoption.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 2828, 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.

The title of the bill was amended so as to read: ''A bill to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes.''.

A motion to reconsider was laid on the table.

RONALD REAGAN BOYHOOD HOME NATIONAL HISTORIC SITE

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 400) to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes, as amended.

The Clerk read as follows:

H.R. 400

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

SECTION 1. RONALD REAGAN BOYHOOD HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY.—As soon as practicable after the date of the enactment of this Act, the Secretary shall purchase with donated or appropriated funds, at fair market value and from a willing owner only, fee simple, unencumbered title to the Property and to any personal property related to the Property which the Secretary determines to be appropriate for the purposes of this Act.

(b) ESTABLISHMENT OF HISTORIC SITE.—After the Property is acquired by the Secretary, the Secretary shall designate the Property as the Ronald Reagan Boyhood Home National Historic Site.

(c) LAND DESCRIPTION.—The Secretary shall ensure that a copy of the land description referred to in subsection (f)(2) is on file and available for public inspection in the appropriate offices of the National Park Service.

(d) MANAGEMENT OF HISTORIC SITE.—

(1) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the Ronald Reagan Boyhood Home Foundation for the management, operation, and use of the Historic Site. The cooperative agreement shall provide for the preservation of the Property in a manner that preserves the historical significance thereof and upon such terms and conditions as the Secretary considers necessary to protect the interests of the United States.

(2) GENERAL MANAGEMENT PLAN.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Ronald Reagan Boyhood Home Foundation, shall complete a general management plan for the Historic Site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the Historic Site.

(e) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the Historic Site in accordance with the provisions of this Act and the provisions of laws generally applicable to national historic sites, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).

(f) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) HISTORIC SITE.—The term ''Historic Site'' means the Ronald Reagan Boyhood Home National Historic Site.

(2) PROPERTY.—The term ''Property'' means the property commonly known as the Ronald Reagan Boyhood Complex located in Dixon, Illinois, (including any structures thereon), further described as follows:

The North Half (N½) of Lot Three (3), Block One Hundred and Three (103), of the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 816 South Hennepin Avenue, Dixon, Illinois. (Reagan Boyhood Home)

The South Half (S½) of Lot Two (2), Block One Hundred and Three (103), of the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 810 South Hennepin Avenue, Dixon, Illinois. (Visitors Center)

The South two-thirds (S⅔rds) of Lot Four (4) in Block One Hundred Three (103) in the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 821 South Galena Avenue, Dixon, Illinois. (Parking Lot)

The Westerly Ninety feet of the Southerly One half (S½) of Lot 3 in Block 103 in the Town (now City) of Dixon, Lee County, Illinois. (Park with statue of President Reagan)

Legal title to all of the foregoing is: Fifth Third Bank, as successor trustee to First Bank/Dixon (later known as Grand Premier Trust) as trustee under Trust Agreement dated August 15, 1980 and known as Trust No. 440.

Said property is also located within an historical district created by the City of Dixon pursuant to Ordinance No. 1329 dated June 16, 1986 as amended. The historical district was created pursuant to Title VI, Chapter 16 of the City Code of the City of Dixon.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, H.R. 400, introduced by the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, would authorize and direct the Secretary of the Interior to purchase the site of Ronald Reagan's boyhood home in Dixon, Illinois, at its fair market value and, once acquired, designate it as the Ronald Reagan Boyhood Home National Historic Site.

In addition, the National Park Service would be required to enter into a cooperative agreement with the Ronald Reagan Boyhood Home Foundation, the site's current owner, to operate the new historic site and within 2 years develop a general management plan that would define the roles of the two parties interpreting and preserving the historic site.

Mr. Speaker, establishing the boyhood home as a National Historic Site will ensure long-term preservation of the museum and its eligibility for funding from the National Park Service. I urge an ''aye'' vote on the bill.

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

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

Mr. Speaker, I would like to state at the outset that I support the pending legislation. Let me assure my colleagues on the Democratic side of the aisle that this bill is much different than other measures that we have seen to purportedly honor former President Reagan.

This measure does not contain the irony of naming an airport after a President whose only claim to fame when it came to aviation was to bust the air traffic controllers union. It does not propose to circumvent all established procedures and force-feed a memorial to him on the Mall, as some have proposed.

Instead, the pending legislation would establish a Ronald Reagan Boyhood Home National Historic Site in the same fashion as we have designated such sites to other former Presidents, for example, the Truman National Historic Site in Independence, Missouri, and the Garfield National Historic Park in Mentor, Ohio.

In this regard, it is a fact that Ronald Reagan resided in this particular home in Dixon, Illinois, during a portion of his teenage years. The home has already been fully restored and is being operated as a museum. So it is fitting that this legislation include this site as a unit of the national park system. It is our hope that this addition will assist those in seeking insight into the former President's life and work.

Let us move forward on this particular designation to Ronald Reagan, but please let it be the last of them, at least in this Congress.

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

Mr. RADANOVICH. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. HEFLEY), a member of the Committee on Resources.

Mr. HEFLEY. Mr. Speaker, I rise in opposition to this bill, not because of its subject matter, but because of the way it is being done.

Seven years ago, I began work on the National Park Service Reform Act. I authored that bill because I believed then, and I believe now, that Park Service units should be designated on the basis of what they are, not because they are the pet project of someone in a powerful position. Instead, they should be the end result of a logical, thoughtful process of evaluation by the Park Service that must maintain them.

This bill before us has none of that. Instead, it straightforwardly designates the Ronald Reagan Boyhood Home in Decatur, Illinois, as a National Park unit, without study by the Park Service or indeed any real idea of what the Park Service's role in this will be or how they will manage it.

Now, Ronald Reagan is a political and personal hero of mine, and I think Decatur's efforts to preserve his home are a wonderful example of what private citizens can do to preserve something worthwhile. They had this site in tip-top shape and have no problem waiting a year for designation until the Park Service does a study. In fact, they told us that was perfectly fine, to wait the year and do like every other single bill of this nature that came through the committee while I was chairman of the committee was done. Democrat and Republican bills alike, they all went to a study by the Park Service first. These people have no problem with that. That is perfectly all right.

The board members, though, are getting up in years; and they would like the designation as insurance that their work will be continued after they are gone. So they do not want it to string on too long, and I do not either. They are proud of that work, and they should be proud of that work. By looking at them and what they have accomplished, maybe we can see a little of where Ronald Reagan got his beliefs.

So at full committee I offered an amendment to give the Park Service 1 year to study the Ronald Reagan home, again like every other bill of this nature that came through there in the last few months, and then report back to us about how they would manage this site. That amendment was passed unanimously at the Subcommittee on the Park Service markup; but in the full committee they elected to act on the base text because that is the way the Speaker and/or the Speaker's staff wanted it to be acted on, again, violating all the rules we had done for everybody else. It passed the full committee until one Member was persuaded to switch their vote.

Now, I have absolutely no doubt that the Reagan home will be found worthy of National Park designation. But the way it is being done here is an affront to what we have been working for. We have been working for logical processes here, so that someone who just happens to be in the right spot, maybe it is the Committee on Appropriations, maybe it is the Speaker's office, maybe it is the minority leader's office, somebody who happens to be in the right spot can have their way just because they are in the right spot. It should not be that way. There should be a logical process.

So we are working for logical processes, and we are working for fairness. We treated in this committee everybody's suggestions, everybody's ideas, every Democrat's idea, every Republican's idea, with the same even-handed fairness and the same approach, except this one.

I introduced the Park Reform Act because I believe everybody's ideas should be judged by the same rules. My ideas should, my colleagues' ideas should, and the Speaker's ideas should. Make no mistake, this bill is before us in this form today only because the Speaker wants it, and that is not right.

For this reason, I must oppose this suspension.

Mr. RADANOVICH. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), a member of the Committee on Resources.

Mr. SOUDER. Mr. Speaker, first let me speak to the underlying bill, which I strongly support and have supported since its introduction in the Congress.

Ronald Reagan was not only an inspiration in my life, but many others. His speech for Barry Goldwater is what inspired me to get interested in politics when I was 14 years old. He inspired the bulk of the young conservatives, the middle-aged conservatives, and the older conservatives in America to a philosophy of government. To many of us, he stands as our conservative hero, much like Franklin Roosevelt is for liberals.

Therefore, it is important that we recognize his sites and his importance to a strong political movement in America, not just some of his later sites, but also his early birth sites. For Teddy Roosevelt, we have multiple sites in the Park Service, for Franklin Roosevelt and for Abraham Lincoln and for others on the Mall. It is important that we have recognition for Ronald Reagan as one of those pillars of leadership in American history.

Ronald Reagan's roots are in the Midwest, much like Abraham Lincoln's; and as a member of the Subcommittee on National Parks, Recreation and Public Lands, among many Westerners, let me add a concern that I have. The National Park Service has consistently opposed anything that has come up from the Midwest. We do not have the grand big Rocky Mountains, we do not have the ocean beaches, we do not have a lot of the things that they have in the West; but we do have a fair amount of historic sites. This happened when we got to the Underground Railroad. This has happened with a series of sites that the National Park Service has opposed.

This bill has not moved until this year because it was opposed. Those of us in the Midwest, while we understand that the National Park Service is concerned that we keep adding units to the National Park Service without expending money at the same rate we are expanding units and, therefore, building a backlog; and we understand the concern of the Western States for constantly opposing new things because they are concerned with the backlog that those things are not going to be funded. Those of us in the Midwest, particularly when it comes to sites like Ronald Reagan's boyhood home, have concerns.

I share the concern of our former chairman, the gentleman from Colorado (Mr. HEFLEY), about the proliferation of heritage areas, about the proliferation of sites, whoever wants to stick something in a bill; but this Ronald Reagan Boyhood Home is not that standard. Part of the reason they had to get somebody to switch in full committee was because I was in another markup at the time of it, sprinted over, as did the gentleman from California (Mr. POMBO), and because they managed to get the one person to switch, they did not get our votes. This bill would have passed in the committee had we been there. For that I apologize for any confusion.

But the fact is, this is a deserving bill. We need this site in the Midwest. The Speaker is right to put his weight behind this. I support him in these efforts. We in the Midwest for too long have been shorted. Ronald Reagan deserves these tributes. He deserves these tributes while he is still alive. No one disputes the historic nature of this building or the importance of Dixon, Illinois, and his Midwestern upbringing, to his leadership of America and the values he was anchored in.

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

If I might just respond to some of the comments made in opposition to this bill, in particular, by the gentleman from Colorado (Mr. HEFLEY). I do not view this particular legislation as a pet project of a powerful person, regardless of it being the Speaker's bill. I have been contacted, I know, from Democratic Members on my side of the aisle in support of this legislation, including

the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Illinois (Mr. COSTELLO).

I happen to believe that it would be a waste of taxpayers' money for the National Park Service to study this matter. The facts are the facts. As I said in my opening statement, Ronald Reagan lived at this site. I do not believe we need a study to determine that. The home has been restored. It is being operated as a museum. So I do not believe that taxpayers' money would necessarily be spent wisely to conduct a study of these very same facts.

I can assure the gentleman from Colorado that I am not being swayed because it is the Speaker's bill. I am on the minority side of the aisle. So I would close and urge adoption of the bill.

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

Mrs. BIGGERT. Mr. Speaker, I rise in strong support of H.R. 400, a bill to establish the Ronald Reagan Boyhood Home National Historic Site, in Dixon, Illinois. This bill would allow the Secretary of the Interior to acquire the Reagan boyhood home to ensure that this important historical structure is protected for future generations to enjoy.

Ronald Reagan holds a special place in the hearts and minds of the citizens of northern Illinois. Many believe that President Reagan was a Californian. But his core values and bold conservatism were the product of a childhood in Illinois.

Ronald Reagan continues today to serve as a model of optimism and hope. In his very first inaugural address, President Reagan set the tone for his eight years in office when he proclaimed that, ''no arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women.''

President Reagan truly was the ''Great Communicator.'' One of my favorite lines of his was when he said that the best view of big government is in the rear view mirror as you're driving away from it. Throughout his presidency, Reagan used his trademark humor and wit to unite a nation, end the Cold War, and restore prosperity. He championed the notion of individual responsibility and accountability.

And most importantly he made people feel good about being proud of our great nation. President Reagan once said that he would like to go down in history as the President who made Americans believe in themselves again.

There is no more appropriate time than now to remember Ronald Reagan, one of our great patriots and most inspired Presidents. There is no better way to do that than to preserve the boyhood home where he spent his formative years. I am proud to support this bill and urge its passage.

Mr. HASTERT. Mr. Speaker, I rise today in support of H.R. 400 which would establish the Ronald Reagan Boyhood Home National Historic Site in Dixon, Illinois. This legislation would allow the Secretary of the Interior to acquire the Reagan boyhood home from the Ronald Reagan Boyhood Home Foundation to ensure that this important historical structure is protected and maintained in perpetuity.

First, I would like to thank Chairman HANSEN, Chairman RADANOVICH, Ranking Member RAHALL, and Ranking Member CHRISTENSEN for their hard work on behalf of this legislation. I would also like to thank the 154 cosponsors of this legislation, including every member of the Illinois Congressional Delegation.

In my mind, and in the minds of all my colleagues from Illinois, there is no doubt this important property deserves federal recognition. Preservation of properties of historical significance is a necessary and important function of government.

Ronald Reagan occupies a special place in the heart of Northern Illinoisans, to say nothing of the rest of the country. We take great pride in the record of our native son. As our 40th President, Ronald Reagan steered this country through some very difficult times. I am sure many of us can recall the atmosphere in America when he took office in 1981. We were mired in recession, in the midst of a Cold War with the Soviet Union, and there was a real sense that America had seen its better days. By the time President Reagan left office, we were in the middle of unprecedented economic growth, peace and freedom were on the rise in every corner of the globe, and we had experienced a re-birth of the American spirit. Ronald Reagan's belief in limited government, lower taxes, and individual freedom had transformed American politics and re-ignited our spirit of optimism.

Many of us believe that his success as president stems in no small part from his upbringing in Illinois. And, while his path to greatness took him to many places, I believe what he learned growing up in Illinois never left him.

Although born in Tampico, Illinois, Ronald Reagan has always considered Dixon his hometown. In his youth, as it is today, Dixon represents a traditional, rural, Midwestern town. In Dixon, Ronald Reagan attended school, played football, worked as a lifeguard, and developed the values that would shape his future life in politics. In fact, many of the images of Reagan in his youth, which we are all familiar with, were taken in Dixon and the surrounding area.

The history of Ronald Reagan's life in Dixon is typical of most raised in small Midwestern towns. His parents, Nelle and Jack, instilled in him a sense of fair play, duty to others, and a respect for hard work. Ronald Reagan was thirteen when he entered Dixon's Northside High School. At Northside, ''Dutch'' Reagan played football and basketball, ran track, and performed in school plays. Athletic achievement and theatrical performances in school plays increased his popularity at Northside, and in his senior year, Reagan was elected student body president. As was the custom of the time, yearbooks generally included mottoes written by the student to describe attributes or perspective outlooks. Ronald Reagan's reads' ''life is just one grand sweet song, so start the music.'' Ambitious, full of life, and ready to take on the world, Reagan graduated from Northside High School in 1928.

After High School, he was admitted to Eureka College on a partial football scholarship—he lettered in football all four years. Reagan washed dishes at his fraternity house and at the girl's dormitory on campus for spending money. Reagan worked as a lifeguard and swimming coach in the summer months as well. As a freshman, Ronald Reagan was already a proven leader—he organized and led a student strike in protest of the decision by college administrators to reduce the number of courses offered. The demonstration resulted in the resignation of the college president and a return to the old curriculum. While at Eureka he also made it possible for his older brother Neal, who was then working at cement plant, to go to college by getting him a job, a partial scholarship, and a deal deferring his tuition until after graduation.

The Depression hit Dixon, Illinois especially hard. The Reagan's were forced to sublet their home and live in one room. Jack and Nelle's next-door neighbor at times cooked for them, and handed meals through the window. The Depression had an enormous impact on Ronald Reagan—he often recalled the uncertainty of the times by re-telling the story of his father expecting a bonus check and instead being fired on Christmas Eve 1931. The trying times of the Great Depression touched the lives of every American and the Reagan's were no exception. The charitable kindness received and practiced by the Reagan's helped them to survive and thrive when hard times came.

After college, Ronald Reagan set out on a one-day swing of nearby small-town radio stations where he was offered five dollars and round trip bus fair to broadcast a University of Iowa football game. Early in 1993, World of Chiropractic radio (WOC), a subsidiary of WHO radio in Des Moines, hired him as a full timer announcer for $100 a month—a lot of money at the time. He had enough money to help his parents and send $10 a month spending money to his brother Neil while he finished college at Eureka. At first, Reagan's oratory was neither polished, nor very professional but he learned to rehearse and sound spontaneous. As we all know, Reagan's weakness became one of his trademark virtues.

From his job at a small radio station in Iowa Reagan went on to serve in the Army during World War II, become a movie star, president of the Screen Actors Guild, a traveling spokesman for General Electric, Governor of the state of California, and ultimately, President of the United States. Wherever he went, however, he carried the lessons he learned growing up in Dixon, Illinois with him.

I believe that, as a Nation, we must preserve and protect places of historical interest for future generations. The affection, we as a Nation, have for the 40th President of the United States is demonstrated by the fact that so many important things now bear his name—the airport which serves the nation's Capitol, a federal building, and the Navy's newest aircraft carrier.

In my mind, however, there is another important piece of Reagan's life that deserve preservation. I believe that Reagan's life in Dixon, Illinois is critical to understanding the

man and the presidency. But don't take my world for it—Take the word of the tens of thousands of visitors who tour his boyhood home every year.

Mr. Speaker, I am proud to represent Ronald Reagan's boyhood home of Dixon, Illinois in Congress and I am proud to sponsor legislation that will ensure that the opportunity to experience the place where he was raised will be available to all Americans for years to come. I urge my colleagues to support this important legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 400, 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.

HEALING OPPORTUNITIES IN PARKS AND THE ENVIRONMENT PASS ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2976) to provide for the issuance of a special entrance pass for free admission to any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes to the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly affected by the September 11, 2001, terrorist hijackings and the attacks on the World Trade Center and the Pentagon, and for other purposes.

The Clerk read as follows:

H.R. 2976

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 ''Healing Opportunities in Parks and the Environment Pass Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The trauma associated with the terrorist hijackings and attacks of September 11, 2001, has been significant for the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly involved in this national tragedy.

(2) America's system of national parks, forests, and public lands provides significant opportunities to renew, refresh, and strengthen the physical, mental, and spiritual well-being of those who use them.

(b) PURPOSE.—It is the purpose of this Act to help those directly impacted by the tragic events of September 11, 2001, by enhancing opportunities for the use of America's national parks, forests, and public lands as a means of aiding in their recovery from the trauma associated with these tragic events.

SEC. 3. HOPE PASS.

(a) ISSUANCE.—The Secretary of the Interior shall make available at no cost to qualified individuals a special entrance pass which shall be known as the ''Hope Pass'' and shall provide for free admission into any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes.

(b) QUALIFIED INDIVIDUALS.—A qualified individual shall be—

(1) an individual who was present at the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania, at the time, or in the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001;

(2) an individual who had an immediate family member killed as a direct result of the terrorist-related aircraft crashes of September 11, 2001; or

(3) any police, fire, rescue, recovery, or medical personnel who directly responded to the terrorist-related aircraft crashes of September 11, 2001.

(c) CONDITIONS.—Each Hope Pass shall—

(1) be issued upon acceptance by the Secretary of the Interior of an application from a qualified applicant which shall include a signed statement attesting to the applicant's eligibility for the pass;

(2) be valid for the life of the qualified pass holder; and

(3) provide free admission to qualified pass holders and their immediate family when accompanied by the qualified pass holder.

(d) NONELIGIBILITY.—No individual identified by the Attorney General of the United States to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or their family shall be eligible to receive a Hope Pass.

□ 1715

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, H.R. 2976, the Healing Opportunities in our Parks and Environment Act, was introduced by the gentleman from West Virginia (Mr. RAHALL).

September 11 is a day not one of us will ever forget. The events of that day are seared deep into our memories. Each one of us will recall where we were, what we were doing, and how the events of the day impacted us personally.

Some, of course, were impacted more directly. Many lost family members, were injured, or narrowly escaped harm; or because in the course of carrying out their duties as medical or rescue workers, were called upon to aid survivors and victims. As a Nation, we deeply appreciate the great sacrifices made as a consequence of the events of September 11.

Following these tragic and emotional events, many have sought refuge in the natural beauty of America's natural parks and public lands. These lands have the ability to serve, at least in part, as a healing opportunity to those who were most affected by these terrible events.

H.R. 2976 would create a new HOPE pass to authorize entry into our federally owned parks and public land for victims, families, survivors, and medical and rescue personnel and their immediate families when accompanied by a holder. Some think this new pass can serve in some small measure as an attempt to help heal the wounds of this tragic event. I urge an ''aye'' vote on the bill.

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

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

Mr. Speaker, I would like to commend the gentleman from California (Mr. RADANOVICH) and thank him for his help on this legislation. He is the chairman of the subcommittee. I would like to thank the chairman of the full committee, the gentleman from Utah (Mr. HANSEN), for his support, as well.

Over the last 2 months, Members of Congress have stepped outside party boundaries, joining together and unanimously supporting millions of dollars in aid to victims, families, and rescue workers affected by the September 11 attacks.

However, in addition to financial assistance, I believe it is important for us to provide other forms of relief for these victims and their families during the grieving and recovery process.

In times of crisis, many of us find solace in our religion. In addition, we can find solace in that great cathedral of nature. That is the premise of this bill, the Healing Opportunities in the Parks and Our Environment, or HOPE, Act.

Simply put, this legislation would direct the Secretary of the Interior to create a program under which the survivors and families of the victims of the attacks on the World Trade Center and the Pentagon, as well as the emergency personnel who responded to that crisis, may visit our national parks, forests, and public lands free of charge.

This program is modeled after what is known as the Golden Eagle Pass, with the exception that it would be valid for a lifetime.

Ralph Waldo Emerson said, ''Nature is a symbol of the spirit,'' and ''Nature turns all malfeasance to good.'' There may come a time when a fireman, a nurse, or a survivor who has seen far too much pain and suffering may decide that a day at the lake with his or her family would provide welcome relief.

Let us continue to aid these victims and family members as we already have financially. Let us provide them Emerson's symbol of spirit to aid in their healing. In this way, we can strive to keep hope alive in the wake of

the tragic events of September 11, and indeed, of only yesterday, when an airliner once again went down in New York City, as we recover and we rebuild.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2976.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RADANOVICH. 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. 2828, H.R. 400, and H.R. 2976, the three bills just considered.

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

There was no objection.

EMERGENCY SECURITIES RESPONSE ACT OF 2001

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3060) to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission.

The Clerk read as follows:

H.R. 3060

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 ''Emergency Securities Response Act of 2001''.

SEC. 2. EXTENSION OF EMERGENCY ORDER AUTHORITY OF THE SECURITIES EXCHANGE COMMISSION.

(a) EXTENSION OF AUTHORITY.—Paragraph (2) of section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(k)(2)) is amended to read as follows:

''(2) EMERGENCY ORDERS.—(A) The Commission, in an emergency, may by order summarily take such action to alter, supplement, suspend, or impose requirements or restrictions with respect to any matter or action subject to regulation by the Commission or a self-regulatory organization under the securities laws, as the Commission determines is necessary in the public interest and for the protection of investors—

''(i) to maintain or restore fair and orderly securities markets (other than markets in exempted securities);

''(ii) to ensure prompt, accurate, and safe clearance and settlement of transactions in securities (other than exempted securities); or

''(iii) to reduce, eliminate, or prevent the substantial disruption by the emergency of (I) securities markets, investment companies, or any other significant portion or segment of such markets, or (II) the transmission or processing of securities transactions.

''(B) An order of the Commission under this paragraph (2) shall continue in effect for the period specified by the Commission, and may be extended. Except as provided in subparagraph (C), the Commission's action may not continue in effect for more than 30 business days, including extensions. If the actions described in subparagraph (A) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission. In exercising its authority under this paragraph, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code, or with the provisions of section 19(c) of this title.

''(C) An order of the Commission under this paragraph (2) may be extended to continue in effect for more than 30 business days if, at the time of the extension, the Commission finds that the emergency still exists and determines that the continuation of the order beyond 30 business days is necessary in the public interest and for the protection of investors to attain an objective described in clause (i), (ii), or (iii) of subparagraph (A). In no event shall an order of the Commission under this paragraph (2) continue in effect for more than 90 calendar days.''.

(b) DEFINITION OF EMERGENCY.—Paragraph (6) of section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(k)(6)) is amended to read as follows:

''(6) DEFINITION OF EMERGENCY.—For purposes of this subsection, the term 'emergency' means—

''(A) a major market disturbance characterized by or constituting—

''(i) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

''(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

''(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

''(i) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

''(ii) the transmission or processing of securities transactions.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. 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 bill.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 3060, the Emergency Securities Response Act. This legislation will provide the Securities and Exchange Commission with a vitally important tool to ensure the continued health and operation of our Nation's financial marketplace in the event of an emergency that threatens our securities markets, as did the attacks on September 11, 2001.

September 11 was a dark day in our Nation's history. The terrorist attacks inflicted great human and physical loss in our country and, in particular, in New York City, the financial capital of the world.

The damage to lower Manhattan, home of the world's largest stock market and the heart of our Nation's financial marketplace, suspended the operation of the U.S. equities markets for the longest period since World War I.

Mr. Speaker, those were indeed 4 days in which traders were incapable of getting to those markets; and our discussions up there with the major players, the New York Stock Exchange, the NASDAQ, the American Stock Exchange, indicated how severe the damage was, particularly for the inability of the traders of the New York Stock Exchange to even get physically into the exchange, not to mention, of course, the problems that they had with the electrical systems and with the telephone system.

Had it not been for the hard work of Verizon with the power company, with all people working at NASDAQ and in the New York Stock Exchange and the American Stock Exchange, literally they would have been unable to open even that Monday after September 11.

I had the honor to appear in New York with the Treasury Secretary and the Chairman of the Securities and Exchange Commission to witness the reopening and closing of the markets that day, and it was a proud day for all Americans that those markets were up and running, providing the kind of liquidity and the kind of market activity that we have come to expect from those great markets.

To facilitate the successful reopening of those equities markets, the Securities and Exchange Commission used, for the first time, emergency powers granted in the wake of the market crash of 1987 to ease certain regulatory restrictions temporarily. The measures the Commission took helped to increase liquidity and promote stability.

The Commission and its Chairman, Harvey Pitt, along with the financial markets and firms based in New York, as well as those outside New York, who pitched in to help their competitors and colleagues, deserve special recognition for their efforts in restoring normalcy to those markets.

However, the Commission's emergency authority under current law is

unnecessarily and dangerously restrictive. For example, that authority permits the Commission to provide emergency relief for only 10 business days, and is limited to the Securities and Exchange Act of 1934, only one of the several Federal securities laws.

This authority should be flexible enough to be useful where relief is necessary for a longer period of time, or under Federal securities laws other than the Exchange Act.

I am pleased to bring to the floor legislation that will accomplish those goals. H.R. 3060, the Emergency Securities Response Act, will enhance the Commission's authority to take actions in the wake of an emergency to reduce, eliminate, or prevent a substantial disruption of the securities markets or investment company operations.

This bipartisan legislation, introduced with the committee's ranking member, the gentleman from New York (Mr. LAFALCE), extends the maximum duration of an SEC emergency order to 30 business days, and under certain circumstances, up to a total of 90 calendar days.

It also extends the Commission's emergency authority to apply to all the Federal securities laws.

I want to explain to the Members, Mr. Speaker, that it was only because of the efforts, just to use one example, the emergency powers in regard to corporate buy-backs, that it was decided by the Chairman of the SEC, and I think wisely, that he should use his emergency authority to suspend certain regulations as it related to the ability of corporations to buy back their own stock.

The fact is that by doing so, he was able to stabilize the market. Those people who were selling stocks short on the first day of trading after it opened up had to be concerned and wary about the prospects that those corporations could come in and buy back their stock, stabilize those stock prices, and indeed, perhaps make life difficult for the short sellers. Indeed, in many cases, that is exactly what happened.

While the markets were down on that particular day by some 600 points in the case of the New York Stock Exchange, they were able to trade effectively, and the liquidity was there in the marketplace. As a matter of fact, the markets that day handled a record volume of trades without a glitch; again, I think testament to the ingenuity and the hard work of those people in the marketplace. So my hat is off to all of those people for their good work, and my hat is also off to the SEC for taking the leadership in this important issue.

While I hope this authority will never have to be used, and all of us share that, it is a safety measure our financial markets simply cannot do without. I urge all of my colleagues to support H.R. 3060.

Mr. Speaker, I am including for the RECORD an exchange of correspondence between myself and the Chairman of the Committee on Energy and Commerce regarding this legislation:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 13, 2001.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: It is my understanding that the Committee on Financial Services desires to consider H.R. 3060, the Emergency Securities Response Act of 2001, on the House floor under suspension of the Rules in the near future.

Recognizing your desire to act on H.R. 3060 expeditiously, my Committee will not seek a sequential referral of the bill when you file your report. In exchange, I request that your Committee not seek a sequential referral of H.R. 1101, the Public Utility Holding Company Act of 2001, should it be reported in a form substantially similar to the introduced bill, or seek a referral of comparable legislation designed to restructure the electricity industry, should such legislation be introduced or reported.

I would appreciate your written response to this request.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 13, 2001.

Hon. W. J. ''BILLY'' TAUZIN,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TAUZIN: Thank you for your letter concerning H.R. 3060.

I appreciate your agreeing not to pursue a sequential referral of this legislation. In exchange, my Committee will not seek a sequential referral of H.R. 1101, the Public Utility Holding Company Act of 2001, should it be reported in a form substantially similar to the introduced bill, or seek a referral of comparable legislation designed to restructure the electricity industry, should such legislation be introduced or reported.

Again, thank you for consideration.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

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

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

Mr. Speaker, I rise in support of the bill. First of all, I want to say that I agree fully with every word spoken by the distinguished chairman of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY). The SEC played a very crucial role in the recovery of our financial markets from the devastating effects of the attacks of September 11.

In addition to the important role the Commission played in coordinating market participants throughout the crisis, the emergency orders issued by the SEC helped provide needed liquidity and stability to the markets and market participants.

□ 1730

The actions of the SEC helped to ensure an orderly reopening of markets, something that was in the interests of our economy and of all investors. While the SEC used the emergency authority available to it very effectively after September 11, I believe this authority would be strengthened by allowing the SEC to extend emergency actions beyond the 10 business days allowed under current law.

I was concerned after September 11 as to whether the emergency authority available to the SEC was adequate. I expressed these concerns when the Chairman of the SEC, Harvey Pitt, appeared before our Committee on Financial Services on September 26 on the status of the recovery.

The Chairman told the committee that enhancements to the SEC's authority would be useful in enabling it to respond effectively to emergencies. The formal legislative request he later submitted asked that we provide the Commission with additional emergency authority to respond to any future crisis both by extending the potential length of emergency orders and by extending the authority to clearly cover all of the Federal securities loss.

Our Committee on Financial Services worked with the Commission to craft an appropriate framework for any future emergency actions that the SEC may need to take.

The bill permits the SEC to issue emergency orders for 30 business days, which I believe will give it the flexibility needed to ensure that it can respond in a timely and effective manner to any future situation. To issue an emergency order, the SEC will have to find that an emergency exists, that an emergency order is necessary in the public interest and for the protection of investors, and that it is necessary to restore fair and orderly markets, that it is necessary to ensure prompt and accurate securities clearance and settlement, or to prevent substantial disruption to the securities markets or portions of such markets.

Further, our bill provides the Commission with the authority in limited circumstances to extend the emergency orders for an additional 90 days upon a finding that the emergency continues to exist, and that extension of the order continues to be necessary in the public interest.

As became clear after September 11, serious disruptions in communications, computer systems, transportation, and many other systems, as well as physical damage to facilities, can have a profound impact on the securities market and market participants. This bill will give the SEC an expanded set of tools to deal with such emergencies throughout the securities markets no matter what the underlying cause of the emergency may be.

Mr. Speaker, I want to commend all the members of committee, the staff of

our committee, both Republican and Democrat, and the staff and members of the SEC. I urge everyone to support this bill.

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

Mr. OXLEY. Mr. Speaker, I am awaiting the subcommittee chairman, the gentleman from Louisiana (Mr. BAKER) who has indicated he would come over to the floor.

If I could inquire of the Chair as to how much time is remaining on this side.

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from Ohio (Mr. OXLEY) has 14 minutes remaining. The gentleman from New York (Mr. LAFALCE) has 16 minutes remaining.

Mr. MARKEY. Mr. Speaker, I rise in reluctant opposition to H.R. 3060, the Emergency Securities Response Act.

This legislation amends a provision that I authored, which the Congress approved as part of the H.R. 3657, Market Reform Act of 1990, to give the SEC the power to suspend trading of securities and to issue emergency orders consistent with the public interest and the protection of investors (See CONGRESS RECORD, September 28, 1990, at H8376–8383). This provision grew out of the investigations that the Subcommittee on Telecommunications and Finance, which I then chaired, carried out into the 1987 stock market cash. One of the things we found was that the SEC lacked many of the types of emergency authorities that the CFTC had, and we felt it was desirable that they be granted broader emergency authorities.

My objection to the legislation is not that it expands the SEC's authority to suspend trading or issue emergency orders from 10 days up to 30 days, with further extensions of up to 90 days possible. Indeed, in an earlier version of this legislation (H.R. 4997, introduced in 1988, I had actually proposed allowing the SEC to exercise its emergency authorities for periods of up to 30 days). So, I have no problem with doing so today.

Instead, my concerns about the bill we are debating today is that it expands the range of coverage of this emergency provision from the Securities Exchange Act of 1934 to the full range of federal securities laws. This has the effect of expanding coverage of the provision to cover all the federal securities laws. And while there may be some good reasons to extend these authorities to the Securities Act of 1933, the Investment Company Act of 1940, the Investment Advisors Act of 1940, the Trust Indenture Act of 1939, and the Securities Investors Protection Act of 1970, I believe that the effect of this provision is to extend the reach of section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 781(k)(2)) to allow the SEC to issue exemptions from the Public Utilities Holding Company Act of 1935 (known as "PUHCA"), which regulates the activities of large, multi-state, electric or natural gas holding companies.

While the Financial Services Committee may successfully have absconded with the Energy and Commerce Committee's securities jurisdiction, the last time I checked PUHCA was within the jurisdiction of the Energy and Commerce Committee. Our Committee has held no hearings or had any other process with respect to whether granting the SEC emergency powers to grant exemptions to PUHCA was warranted or in the public interest. Given the Commission's rather shoddy record in recent years of administering the Act, I am not comfortable with granting such an exemption today. I am particularly concerned when I have seen no justification from the SEC or its staff for giving the SEC such authority, no analysis of the possible impact of this on PUHCA or on our nation's electricity or natural gas markets, and no indication that the lack of such authority has posed any problems for PUHCA-companies post-September 11.

I would also note that while H.R. 3060 has provisions requiring the SEC to consult with and consider the views of the CFTC whenever exercising its emergency authorities with respect to a stock-index future, there is no similar requirement with respect to the FERC when PUHCA is concerned. Given the fact that PUHCA and the Federal Power Act were passed simultaneously, and that both laws deal with regulation of energy markets, such consultation may be needed in this area as well. We at least should have been given the chance to consider it.

At the very minimum, the Energy and Commerce Committee should have been given a referral of this bill so that it could consider the need for this provision and any amendments to it affecting matters within our jurisdiction. I have been informed that in lieu of such a referral, the Majority may have exchanged letters on this matter. However, no one on the Minority of the Committee has been granted access to these letters, so I have no idea what they say or whether the Committee's substantive and jurisdictional interests have been preserved.

This is not the proper way to legislate. I object to bringing up this bill today.

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

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3060.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2330, and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. BONILLA. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, November 8, 2001, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 9, 2001, at page H7962.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

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

Mr. Speaker, I am pleased to bring before the House today the conference report on H.R. 2330, providing appropriations for Agriculture, Rural Development, the Food and Drug Administration and Related Agencies for fiscal year 2002.

Mr. Speaker, I want to acknowledge the good work of my friend, the gentlewoman from Ohio (Ms. KAPTUR), my ranking member who has contributed greatly to this process. It has been a real pleasure working with her and all the members of the subcommittee in getting to this point today. It has really been a pleasure, and I want to acknowledge that as we present this conference report.

Mr. Speaker, I believe we have produced a good, bipartisan conference agreement that does a lot to advance important nutrition, research and rural development programs and still meet our conference allocations on discretionary and mandatory spending. My goal this year has been to produce a bipartisan bill, and I believe we have done a good job in reaching that goal.

This conference agreement does have significant increases over fiscal year 2001 for programs that have always enjoyed strong bipartisan support, and they include: Agriculture Research Service, $83 million for salaries and expenses and $45 million for buildings and facilities; Cooperative State Research Education and Extension Service, $45 million; Animal and Plant Health Inspection Service, $83 million; Food

Safety and Inspection Service, $20 million; Farm Service Agency, $240 million; Federal Crop Insurance Corporation Fund $232 million; Natural Resources Conservation Service, $55 million; Rural Economic and Community Development Programs, $101 million; Domestic Food Programs, $3.7 billion, including the Food Stamp Program, $1.9 billion in reserve to respond to economic conditions; and WIC, $305 million to respond to economic conditions that may worsen; the Foreign Assistance and Related Programs including Public Law 480, $34 million; and the Food and Drug Administration, $120 million.

Mr. Speaker, we all refer to this bill as an ''agriculture bill,'' but it does far more than assist basic agriculture. It also supports human nutrition, the environment, and food and drug and medical safety. This is a bill that will deliver benefits to every one of our citizens every day.

I would say to all Members, if they can support this conference agreement, they can tell all of their constituents that they voted to improve their lives while maintaining fiscal responsibility.

The conference agreement is a bipartisan product with a lot of hard work and input from both sides of the aisle. I would like to thank my friend, the gentleman from Florida (Mr. YOUNG), chairman of the full Committee on Appropriations, as well as the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations, who put in a lot of hard work and contributed to this effort.

Mr. Speaker, I would also like to thank all of my subcommittee colleagues, the gentleman from New York (Mr. WALSH), the gentleman from Georgia (Mr. KINGSTON), the gentleman from Washington (Mr. NETHERCUTT), the gentleman from Iowa (Mr. LATHAM), the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from Virginia (Mr. GOODE), the gentleman from Illinois (Mr. LAHOOD), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New York (Mr. HINCHEY), the gentleman from California (Mr. FARR), and the gentleman from Florida (Mr. BOYD).

Mr. Speaker, I would again like to single out in particular the ranking member, who has put so much effort into this bill, and my friend, the gentlewoman from Ohio (Ms. KAPTUR), for all her hard work.

Mr. Speaker, we have tried our best to put together a good, solid bill that works for all of America. Much of it is compromise, to be sure, but I believe it is a good compromise and good policy.

In closing, I would also like to thank the subcommittee staff for all of their hard work. None of this could get done without the strong, good commitment, the hard work that the staff puts in day in and day out: Hank Moore, the subcommittee clerk; Martin Delgado; Maureen Holohan; Joanne Orndorff; Leslie Barrack; Martha Foley of the staff of the gentleman for Wisconsin (Mr. OBEY), and Jim Richards, a great American, who is in my personal Congressional office. Without their good work we would not have a bill here today.

Mr. Speaker, I would urge all of my colleagues to support this conference agreement.

Mr. Speaker, I include at this point in the RECORD tabular material related to this bill.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2330)

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	2,908	2,992	3,015	2,992	2,992	+84
Supplemental appropriations (P.L. 107-20)	3,000	.....	.....	.....	.....	-3,000
Executive Operations:						
Chief Economist	7,446	7,648	7,704	7,648	7,704	+258
National Appeals Division	12,394	12,766	12,869	12,766	12,869	+475
Office of Budget and Program Analysis	6,750	6,978	7,041	6,978	7,041	+291
Office of the Chief Information Officer	10,029	10,261	10,325	10,261	10,029	.....
Common computing environment	39,912	59,369	59,369	59,369	59,369	+19,457
Office of the Chief Financial Officer	5,160	5,335	5,384	5,335	5,384	+224
Total, Executive Operations	81,691	102,357	102,692	102,357	102,396	+20,705
Office of the Assistant Secretary for Administration	628	647	652	647	647	+19
Agriculture buildings and facilities and rental payments	182,345	187,581	177,647	187,581	187,647	+5,302
Payments to GSA	(125,266)	(130,266)	(130,266)	(130,266)	(130,266)	(+5,000)
Building operations and maintenance	(31,136)	(31,372)	(31,438)	(31,372)	(31,438)	(+302)
Repairs, renovations, and construction	(25,943)	(25,943)	(15,943)	(25,943)	(25,943)	.....
Hazardous materials management	15,665	15,665	15,665	15,665	15,665	.....
Departmental administration	35,931	37,079	37,398	37,079	37,079	+1,148
Outreach for socially disadvantaged farmers	2,993	2,993	2,993	3,493	3,243	+250
Office of the Assistant Secretary for Congressional Relations	3,560	3,684	3,718	3,684	3,718	+158
Office of Communications	8,604	8,894	8,975	8,894	8,894	+290
Office of the Inspector General	68,715	70,839	71,429	70,839	70,839	+2,124
Office of the General Counsel	31,012	32,627	32,937	32,627	32,627	+1,615
Office of the Under Secretary for Research, Education and Economics	555	573	578	573	573	+18
Economic Research Service	66,891	67,200	67,620	67,200	67,200	+309
National Agricultural Statistics Service	100,550	113,786	114,546	113,786	113,786	+13,236
Census of Agriculture	(14,967)	(25,350)	(25,456)	(25,350)	(25,350)	(+10,383)
Agricultural Research Service	896,835	915,591	971,365	999,438	979,464	+82,629
Buildings and facilities	74,037	30,462	78,862	99,625	118,987	+44,950
Total, Agricultural Research Service	970,872	946,053	1,050,227	1,099,063	1,098,451	+127,579
Cooperative State Research, Education, and Extension Service:						
Research and education activities	505,079	407,319	507,452	542,842	542,062	+36,983
Native American Institutions Endowment Fund	(7,100)	(7,100)	(7,100)	(7,100)	(7,100)	.....
Extension activities	432,475	413,404	436,029	433,546	439,473	+6,998
Integrated activities	41,849	41,849	43,355	42,350	42,853	+1,004
Total, Cooperative State Research, Education, and Extension Service	979,403	862,572	986,836	1,018,738	1,024,388	+44,985
Office of the Under Secretary for Marketing and Regulatory Programs	634	654	660	654	654	+20
Animal and Plant Health Inspection Service:						
Salaries and expenses	529,397	702,925	587,386	602,754	620,490	+91,093
Supplemental appropriations (P.L. 107-20)	5,000	.....	.....	.....	.....	-5,000
AQI user fees	(84,813)	(84,813)	(84,813)	(84,813)	(84,813)	.....
Buildings and facilities	9,848	5,189	7,189	5,189	7,189	-2,659
Total, Animal and Plant Health Inspection Service	544,245	708,114	594,575	607,943	627,679	+83,434
Agricultural Marketing Service:						
Marketing Services	65,191	71,430	71,774	71,430	71,430	+6,239
Standardization user fees	(4,000)	(5,000)	(5,000)	(5,000)	(5,000)	(+1,000)
(Limitation on administrative expenses, from fees collected)	(60,596)	(60,596)	(60,596)	(60,596)	(60,596)	.....
Funds for strengthening markets, income, and supply (transfer from section 32)	13,438	13,874	13,995	13,874	13,995	+557
Payments to states and possessions	1,347	1,347	1,347	1,347	1,347	.....
Total, Agricultural Marketing Service	79,976	86,651	87,116	86,651	86,772	+6,796
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	31,350	32,907	33,117	34,000	33,117	+1,767
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	(42,463)	(42,463)	.....
Office of the Under Secretary for Food Safety	459	476	481	476	476	+17
Food Safety and Inspection Service	695,171	715,542	720,652	715,747	715,642	+20,471
Lab accreditation fees 1/	(998)	(1,000)	(1,000)	(1,000)	(1,000)	(+2)
Total, Food Safety and Inspection Service	695,171	715,542	720,652	715,747	715,642	+20,471
Total, Production, Processing, and Marketing	3,907,158	3,999,886	4,113,529	4,210,689	4,234,485	+327,327
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	588	606	611	606	606	+18

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Farm Service Agency:						
Salaries and expenses	826,563	939,030	945,993	939,030	939,030	+112,467
(Transfer from export loans)	(588)	(790)	(797)	(790)	(790)	(+202)
(Transfer from P.L. 480)	(813)	(972)	(980)	(972)	(972)	(+159)
(Transfer from ACIF)	(264,731)	(272,595)	(274,769)	(272,595)	(274,769)	(+10,038)
Subtotal, Transfers from program accounts	(266,132)	(274,357)	(276,546)	(274,357)	(276,531)	(+10,399)
Total, salaries and expenses	(1,092,695)	(1,213,387)	(1,222,539)	(1,213,387)	(1,215,561)	(+122,866)
State mediation grants	2,993	2,993	2,993	3,993	3,493	+500
Dairy indemnity program	450	100	100	100	100	-350
Agricultural conservation program (supplemental appropriations, P.L. 107-20)	-45,000	.....	.....	.....	.....	+45,000
Subtotal, Farm Service Agency	785,006	942,123	949,086	943,123	942,623	+157,617
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(127,722)	(128,000)	(128,000)	(146,996)	(146,996)	(+19,274)
Guaranteed	(868,086)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+131,914)
Subtotal	(995,808)	(1,128,000)	(1,128,000)	(1,146,996)	(1,146,996)	(+151,188)
Farm operating loans:						
Direct	(522,891)	(600,000)	(600,000)	(611,198)	(611,198)	(+88,307)
Unsubsidized guaranteed	(1,075,468)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(+424,532)
Subsidized guaranteed	(369,100)	(500,000)	(500,000)	(505,531)	(505,531)	(+136,431)
Subtotal	(1,967,459)	(2,600,000)	(2,600,000)	(2,616,729)	(2,616,729)	(+649,270)
Indian tribe land acquisition loans	(2,002)	(2,000)	(2,000)	(2,000)	(2,000)	(-2)
Emergency disaster loans	(24,947)	(25,000)	(25,000)	(25,000)	(25,000)	(+53)
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	.....
Total, Loan authorizations	(3,090,216)	(3,855,000)	(3,855,000)	(3,890,725)	(3,890,725)	(+800,509)
Loan subsidies:						
Farm ownership loans:						
Direct	13,756	3,366	3,366	3,866	3,866	-9,890
Guaranteed	4,427	4,500	4,500	4,500	4,500	+73
Subtotal	18,183	7,866	7,866	8,366	8,366	-9,817
Farm operating loans:						
Direct	47,251	53,580	53,580	54,580	54,580	+7,329
Unsubsidized guaranteed	14,738	52,650	52,650	52,650	52,650	+37,912
Subsidized guaranteed	30,119	67,800	67,800	68,550	68,550	+38,431
Subtotal	92,108	174,030	174,030	175,780	175,780	+83,672
Indian tribe land acquisition	322	118	118	118	118	-204
Emergency disaster loans	6,120	3,363	3,363	3,363	3,363	-2,757
Total, Loan subsidies	116,733	185,377	185,377	187,627	187,627	+70,894
ACIF expenses:						
Salaries and expense (transfer to FSA)	264,731	272,595	274,769	272,595	272,595	+7,864
Administrative expenses	4,130	8,000	8,000	8,000	8,000	+3,870
Total, ACIF expenses	268,861	280,595	282,769	280,595	280,595	+11,734
Total, Agricultural Credit Insurance Fund	385,594	465,972	468,146	468,222	468,222	+82,628
(Loan authorization)	(3,090,216)	(3,855,000)	(3,855,000)	(3,890,725)	(3,890,725)	(+800,509)
Total, Farm Service Agency	1,170,600	1,408,095	1,417,232	1,411,345	1,410,845	+240,245
Risk Management Agency	65,453	74,752	75,142	73,752	74,752	+9,299
Total, Farm Assistance Programs	1,236,641	1,483,453	1,492,985	1,485,703	1,486,203	+249,562
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	2,804,660	3,037,000	3,037,000	3,037,000	3,037,000	+232,340

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses	25,264,441	23,116,000	23,116,000	23,116,000	23,116,000	-2,148,441
Operations and maintenance for hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	.....
Total, Corporations	28,069,101	26,153,000	26,153,000	26,153,000	26,153,000	-1,916,101
Total, title I, Agricultural Programs	33,212,900	31,636,339	31,759,514	31,849,392	31,873,688	-1,339,212
(By transfer)	(266,132)	(274,357)	(276,546)	(274,357)	(276,531)	(+10,399)
(Loan authorization)	(3,090,216)	(3,855,000)	(3,855,000)	(3,890,725)	(3,890,725)	(+800,509)
(Limitation on administrative expenses)	(108,059)	(108,059)	(108,059)	(108,059)	(108,059)	.....
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	709	730	736	730	730	+21
Natural Resources Conservation Service:						
Conservation operations	712,545	773,454	782,762	807,454	779,000	+66,455
Watershed surveys and planning	10,844	10,960	11,030	10,960	10,960	+116
Watershed and flood prevention operations	99,224	100,413	111,143	100,413	106,590	+7,366
Supplemental appropriations (P.L. 107-20)	35,500	.....	.....	.....	.....	-35,500
Watershed rehabilitation program	.....	.....	.....	10,000	10,000	+10,000
Resource conservation and development	41,923	43,048	48,361	48,048	48,048	+6,125
Forestry incentives program	6,311	.....	.....	7,811	6,811	+500
Agricultural Conservation Program (rescission)	.....	.....	-45,000	.....	.....	.....
Total, Natural Resources Conservation Service	906,347	927,875	908,296	984,686	961,409	+55,062
Total, title II, Conservation Programs	907,056	928,605	909,032	985,416	962,139	+55,083
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	604	623	628	623	623	+19
Rural Development:						
Rural community advancement program	760,864	692,125	767,465	1,004,125	806,557	+45,693
(By transfer)	.....	.....	.....	(13,000)	.....	.....
RD expenses:						
Salaries and expenses	130,084	133,722	134,733	133,722	133,722	+3,638
(Transfer from RHIF)	(408,333)	(419,741)	(422,910)	(422,241)	(422,241)	(+13,908)
(Transfer from RDLFP)	(3,632)	(3,733)	(3,761)	(3,733)	(3,733)	(+101)
(Transfer from RETLP)	(34,640)	(35,604)	(36,322)	(36,000)	(36,000)	(+1,360)
(Transfer from RTB)	(2,993)	(3,082)	(3,107)	(3,082)	(3,082)	(+89)
(Transfer from TLP)	.....	.....	.....	(2,000)	(2,000)	(+2,000)
Total, RD expenses	(579,682)	(595,882)	(600,833)	(600,778)	(600,778)	(+21,096)
Total, Rural Development	890,948	825,847	902,198	1,137,847	940,279	+49,331
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family (sec. 502)	(1,071,628)	(1,064,650)	(1,064,650)	(1,095,046)	(1,079,848)	(+8,220)
Unsubsidized guaranteed	(3,136,429)	(3,137,968)	(3,137,968)	(3,137,968)	(3,137,968)	(+1,539)
Subtotal, Single family	(4,208,057)	(4,202,618)	(4,202,618)	(4,233,014)	(4,217,816)	(+9,759)
Housing repair (sec. 504)	(32,324)	(32,324)	(32,324)	(32,324)	(32,324)	.....
Rental housing (sec. 515)	(114,070)	(114,068)	(114,068)	(114,068)	(114,068)	(-2)
Site loans (sec. 524)	(5,152)	(5,090)	(5,090)	(5,090)	(5,090)	(-62)
Multi-family housing guarantees (sec. 538)	(99,780)	(99,770)	(99,770)	(99,770)	(99,770)	(-10)
Multi-family housing credit sales	(1,779)	(1,778)	(1,778)	(1,778)	(1,778)	(-1)
Single family housing credit sales	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	.....
Self-help housing land development fund	(4,998)	(5,000)	(5,000)	(5,000)	(5,000)	(+2)
Total, Loan authorizations	(4,476,160)	(4,470,648)	(4,470,648)	(4,501,044)	(4,485,846)	(+9,686)
Loan subsidies:						
Single family (sec. 502)	176,371	140,108	140,108	144,108	142,108	-34,263
Unsubsidized guaranteed	7,384	40,166	40,166	40,166	40,166	+32,782
Subtotal, Single family	183,755	180,274	180,274	184,274	182,274	-1,481
Housing repair (sec. 504)	11,456	10,386	10,386	10,386	10,386	-1,070
Rental housing (sec. 515)	56,202	48,274	48,274	48,274	48,274	-7,928
Site loans (sec. 524)	.....	28	28	28	28	+28
Multi-family housing guarantees (sec. 538)	1,517	3,921	3,921	3,921	3,921	+2,404
Multi-family housing credit sales	872	750	750	750	750	-122
Self-help housing land development fund	278	254	254	254	254	-24
Total, Loan subsidies	254,080	243,887	243,887	247,887	245,887	-8,193

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
RHIF administrative expenses (transfer to RD)	408,333	419,741	422,910	422,241	422,241	+13,908
Rental assistance program:						
(Sec. 521)	672,604	687,604	687,604	702,604	695,104	+22,500
(Sec. 502(c)(5)(D))	5,900	5,900	5,900	5,900	5,900	.....
Total, Rental assistance program	678,504	693,504	693,504	708,504	701,004	+22,500
Total, Rural Housing Insurance Fund	1,340,917	1,357,132	1,360,301	1,378,632	1,369,132	+28,215
(Loan authorization)	(4,476,160)	(4,470,648)	(4,470,648)	(4,501,044)	(4,485,846)	(+9,686)
Mutual and self-help housing grants	33,925	33,925	33,925	35,000	35,000	+1,075
Rural housing assistance grants	43,903	38,914	38,914	38,914	38,914	-4,989
Farm labor program account	29,934	28,431	31,431	28,431	31,431	+1,497
Subtotal, grants and payments	107,762	101,270	104,270	102,345	105,345	-2,417
Total, Rural Housing Service	1,448,679	1,458,402	1,464,571	1,480,977	1,474,477	+25,798
(Loan authorization)	(4,476,160)	(4,470,648)	(4,470,648)	(4,501,044)	(4,485,846)	(+9,686)
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(38,172)	(38,171)	(38,171)	(38,171)	(38,171)	(-1)
Loan subsidy	19,433	16,494	16,494	16,494	16,494	-2,939
Administrative expenses (transfer to RD)	3,632	3,733	3,761	3,733	3,733	+101
Total, Rural Development Loan Fund	23,065	20,227	20,255	20,227	20,227	-2,838
Rural Economic Development Loans Program Account:						
(Loan authorization)	(14,969)	(14,966)	(14,966)	(14,966)	(14,966)	(-3)
Direct subsidy	3,902	3,616	3,616	3,616	3,616	-286
Rural cooperative development grants	6,486	6,486	7,500	8,000	7,750	+1,264
Rural empowerment zones and enterprise community grants	.....	14,967	14,967	14,967	14,967	+14,967
Total, Rural Business-Cooperative Service	33,453	45,296	46,338	46,810	46,560	+13,107
(Loan authorization)	(53,141)	(53,137)	(53,137)	(53,137)	(53,137)	(-4)
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Electric:						
Direct, 5%	(121,128)	(121,107)	(121,107)	(121,107)	(121,107)	(-21)
Direct, Municipal rate	(294,358)	(294,358)	(794,358)	(500,000)	(500,000)	(+205,642)
Direct, FFB	(1,600,000)	(1,600,000)	(2,600,000)	(2,600,000)	(2,600,000)	(+1,000,000)
Direct, Treasury rate	(500,000)	(500,000)	(500,000)	(750,000)	(750,000)	(+250,000)
Guaranteed electric	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	.....
Subtotal, Electric	(2,615,486)	(2,615,465)	(4,115,465)	(4,071,107)	(4,071,107)	(+1,455,621)
Telecommunications:						
Direct, 5%	(74,835)	(74,827)	(74,827)	(74,827)	(74,827)	(-8)
Direct, Treasury rate	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	.....
Direct, FFB	(120,000)	(120,000)	(120,000)	(120,000)	(120,000)	.....
Subtotal, Telecommunications	(494,835)	(494,827)	(494,827)	(494,827)	(494,827)	(-8)
Total, Loan authorizations	(3,110,321)	(3,110,292)	(4,610,292)	(4,565,934)	(4,565,934)	(+1,455,613)
Loan subsidies:						
Electric:						
Direct, 5%	12,064	3,609	3,609	3,609	3,609	-8,455
Guaranteed electric	10	80	80	80	80	+70
Direct, Municipal rate	20,458	.....	.....	.....	.....	-20,458
Subtotal, Electric	32,532	3,689	3,689	3,689	3,689	-28,843
Telecommunications:						
Direct, 5%	7,753	1,736	1,736	1,736	1,736	-6,017
Direct, Treasury rate	.....	300	300	300	300	+300
Subtotal, Telecommunications	7,753	2,036	2,036	2,036	2,036	-5,717
Total, Loan subsidies	40,285	5,725	5,725	5,725	5,725	-34,560

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
RETLP administrative expenses (transfer to RD)	34,640	35,604	36,322	36,000	36,000	+1,360
Total, Rural Electrification and Telecommunications Loans Program Account	74,925	41,329	42,047	41,725	41,725	-33,200
(Loan authorization)	(3,110,321)	(3,110,292)	(4,610,292)	(4,565,934)	(4,565,934)	(+1,455,613)
Rural Telephone Bank Program Account:						
(Loan authorization)	(174,615)	.....	(174,615)	(174,615)	(174,615)	.....
Direct loan subsidy	2,584	.....	2,584	3,737	3,737	+1,153
RTB administrative expenses (transfer to RD)	2,993	3,082	3,107	3,082	3,082	+89
Total, Rural Telephone Bank Program Account	5,577	3,082	5,691	6,819	6,819	+1,242
High energy costs grants (by transfer)	.....	(24,000)	(24,000)	(24,000)	(24,000)	(+24,000)
Distance learning and telemedicine program:						
(Loan authorization)	(400,000)	(300,000)	(300,000)	(300,000)	(300,000)	(-100,000)
(Loan authorization) (proposal)	.....	(100,000)	(100,000)	(100,000)	(80,000)	(+80,000)
Grants/loans subsidy costs	26,941	26,941	26,941	51,941	49,441	+22,500
Local Television loan program account:						
(Loan authorization)	.....	.....	.....	(322,580)	(258,065)	(+258,065)
Direct loan subsidy	.....	.....	.....	25,000	20,000	+20,000
LTLP administrative expenses (transfer to RD)	.....	.....	.....	2,000	2,000	+2,000
Total, Rural Utilities Service	107,443	71,352	74,679	127,485	119,985	+12,542
(Loan authorization)	(3,684,936)	(3,510,292)	(5,184,907)	(5,463,129)	(5,378,614)	(+1,693,678)
Total, title III, Rural Economic and Community Development Programs	2,481,127	2,401,520	2,488,414	2,793,742	2,581,924	+100,797
(By transfer)	(449,598)	(486,160)	(490,100)	(504,056)	(491,056)	(+41,458)
(Loan authorization)	(8,214,237)	(8,034,077)	(9,708,692)	(10,017,310)	(9,917,597)	(+1,703,360)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services	569	587	592	587	587	+18
Food and Nutrition Service:						
Child nutrition programs	4,407,445	4,729,490	4,746,038	4,746,038	4,914,288	+506,843
Transfer from section 32	5,127,579	5,357,256	5,340,708	5,340,708	5,172,458	+44,879
Discretionary spending	6,486	2,000	2,000	500	500	-5,986
Total, Child nutrition programs	9,541,510	10,088,746	10,088,746	10,087,246	10,087,246	+545,736
Special supplemental nutrition program for women, infants, and children (WIC)	4,043,086	4,137,086	4,137,086	4,247,086	4,348,000	+304,914
Food stamp program:						
Expenses	18,618,228	19,556,436	19,556,436	19,556,436	19,556,436	+938,208
Reserve	100,000	1,000,000	1,000,000	2,000,000	2,000,000	+1,900,000
Nutrition assistance for Puerto Rico	1,301,000	1,335,550	1,335,550	1,335,550	1,335,550	+34,550
The emergency food assistance program	100,000	100,000	100,000	100,000	100,000	.....
Total, Food stamp program	20,119,228	21,991,986	21,991,986	22,991,986	22,991,986	+2,872,758
Commodity assistance program	139,991	139,991	152,813	139,991	152,813	+12,822
Rescission	.....	-5,300	.....	-5,300	-3,300	-3,300
Food donations programs:						
Needy family program	1,081	1,081	1,081	1,081	1,081	.....
Elderly feeding program	149,670	149,668	159,668	149,668	149,668	-2
Total, Food donations programs	150,751	150,749	160,749	150,749	150,749	-2
Food program administration	116,550	125,546	126,656	127,546	127,546	+10,996
Total, Food and Nutrition Service	34,111,116	36,628,804	36,658,036	37,739,304	37,855,040	+3,743,924
Total, title IV, Domestic Food Programs	34,111,685	36,629,391	36,658,628	37,739,891	37,855,627	+3,743,942
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service:						
Salaries and expenses, direct appropriation	115,170	121,563	122,631	121,563	121,813	+6,643
(Transfer from export loans)	(3,224)	(3,224)	(3,224)	(3,224)	(3,224)	.....
(Transfer from P.L. 480)	(1,033)	(1,033)	(1,033)	(1,033)	(1,033)	.....
Total, Program level	(119,427)	(125,820)	(126,888)	(125,820)	(126,070)	(+6,643)
Public Law 480 Program and Grant Accounts:						
Title I - Program account:						
Loan authorization, direct	(159,327)	(139,399)	(150,000)	(159,327)	(154,664)	(-4,663)
Loan subsidy	113,935	113,935	122,600	130,218	126,409	+12,474
Ocean freight differential	20,277	20,277	20,277	20,277	20,277	.....

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Title II - Commodities for disposition abroad:						
Program level	(835,159)	(835,159)	(835,159)	(850,000)	(850,000)	(+14,841)
Appropriation	835,159	835,159	835,159	850,000	850,000	+14,841
Salaries and expenses:						
Foreign Agricultural Service (transfer to FAS)	1,033	1,033	1,033	1,033	1,033	.....
Farm Service Agency (transfer to FSA)	813	972	980	972	972	+159
Subtotal	1,846	2,005	2,013	2,005	2,005	+159
Total, Public Law 480:						
Program level	(835,159)	(835,159)	(835,159)	(850,000)	(850,000)	(+14,841)
Appropriation	971,217	971,376	980,049	1,002,500	998,691	+27,474
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS)	3,224	3,224	3,224	3,224	3,224	.....
Farm Service Agency (transfer to FSA)	588	790	797	790	790	+202
Total, CCC Export Loans Program Account	3,812	4,014	4,021	4,014	4,014	+202
Total, title V, Foreign Assistance and Related Programs	1,090,199	1,096,953	1,106,701	1,128,077	1,124,518	+34,319
(By transfer)	(4,257)	(4,257)	(4,257)	(4,257)	(4,257)	.....
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation	1,066,173	1,173,673	1,183,573	1,183,670	1,183,670	+117,497
Prescription drug user fee act	(149,273)	(161,716)	(161,716)	(161,716)	(161,716)	(+12,443)
Subtotal	(1,215,446)	(1,335,389)	(1,345,289)	(1,345,386)	(1,345,386)	(+129,940)
Export and certification	(5,992)	(6,181)	(6,181)	(6,181)	(6,181)	(+189)
Payments to GSA	(104,736)	(105,116)	(105,116)	(105,116)	(105,116)	(+380)
Drug reimportation	.....	2,950	.....	.....	.....	.....
Buildings and facilities	31,281	34,281	34,281	34,281	34,281	+3,000
Total, Food and Drug Administration	1,097,454	1,210,904	1,217,854	1,217,951	1,217,951	+120,497
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	67,850	70,400	70,700	70,400	70,700	+2,850
Farm Credit Administration (limitation on administrative expenses)	(36,719)	(36,700)	(36,700)	(36,700)	(36,700)	(-19)
Total, title VI, Related Agencies and Food and Drug Administration	1,165,304	1,281,304	1,288,554	1,288,351	1,288,651	+123,347
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships	1,996	1,996	4,000	1,996	2,496	+500
National Sheep Industry Improvement Center revolving fund	5,000	.....	1,000	.....	1,000	-4,000
Limit crop insurance education	.....	.....	-6,000	.....	-6,000	-6,000
Mallard Pointe conservation	.....	.....	.....	150	150	+150
Jamestown conservation	.....	.....	.....	450	250	+250
Child and adult care feeding program	.....	.....	.....	10,000	10,000	+10,000
CCC Apple market loss	.....	.....	150,000	.....	75,000	+75,000
Klamath Basin (supplemental appropriations, P.L. 107-20)	20,000	.....	.....	.....	.....	-20,000
Food Stamp program (supplemental appropriations, P.L. 107-20)	-39,500	.....	.....	.....	.....	+39,500
Global food for education (supplemental appropriations, P.L. 107-20)	22,949	.....	.....	.....	.....	-22,949
Yakima Basin (supplemental appropriations, P.L. 107-20)	2,000	.....	.....	.....	.....	-2,000
APHIS transfer to Alaska (supplemental appropriations, Dairy price support extension	.....	.....	.....	.....	15,000	+15,000
Sugar beets	.....	.....	.....	.....	5,000	+5,000
Tobacco	.....	.....	.....	.....	5,000	+5,000
Total, title VII, General provisions	12,445	1,996	149,000	12,596	107,896	+95,451
TITLE VIII - FY 2001						
NATURAL DISASTER ASSISTANCE AND OTHER EMERGENCY APPROPRIATIONS						
CHAPTER 1						
DEPARTMENT OF AGRICULTURE						
Office of the Chief Information Officer:						
Common computing environment (contingent emergency appropriations)	19,457	.....	.....	.....	.....	-19,457
Departmental administration (contingent emergency appropriations)	200	.....	.....	.....	.....	-200

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Farm Service Agency						
Salaries and expenses (contingent emergency appropriations)	49,890					-49,890
Emergency conservation program (contingent emergency appropriations)	79,824					-79,824
Federal Crop Insurance Corporation						
Federal crop insurance corporation fund (emergency appropriations)	12,971					-12,971
Natural Resources Conservation Service						
Watershed and flood prevention operations (contingent emergency appropriations)	109,758					-109,758
Rural Development						
Rural community advancement program (contingent emergency appropriations)	199,560					-199,560
Total, Department of Agriculture	471,660					-471,660
General Provisions						
Conservation technical assistance (contingent emergency appropriations)	34,923					-34,923
CCC Disease loss compensation (contingent emergency appropriations)	19,000					-19,000
Dairy assistance (contingent emergency appropriations)	473,000					-473,000
CCC Livestock assistance program (contingent emergency appropriations)	488,922					-488,922
WRP Additional acreage enrollments (contingent emergency appropriations)	117,000					-117,000
CCC Sheep loss assistance (contingent emergency appropriations)	2,395					-2,395
CCC Citrus canker compensation (contingent emergency appropriations)	57,872					-57,872
CCC Apple/potatoes market loss and quality (contingent emergency appropriations)	137,696					-137,696
CCC Honey assistance (contingent emergency appropriations)	20,000					-20,000
CCC Livestock indemnity program (contingent emergency appropriations)	9,978					-9,978
CCC Wool/mohair assistance (contingent emergency appropriations)	19,956					-19,956
CCC Crop loss disaster assistance (contingent emergency appropriations)	1,622,000					-1,622,000
CCC Cranberry assistance (contingent emergency appropriations)	19,956					-19,956
Shared appreciation loan arrangements (contingent emergency appropriations)	2,000					-2,000
SC grain dealer's guarantee fund (contingent emergency appropriations)	2,495					-2,495
Puerto Rico food stamp block grant	-5,000					+5,000
Hawaii sugar transportation cost assistance (contingent emergency appropriations)	7,184					-7,184
Rural development cooperative grants (contingent emergency appropriations)	9,978					-9,978
Business and industry loans:						
(Loan authorization)	(1,160,232)					(-1,160,232)
Loan subsidy (contingent emergency appropriations)	9,978					-9,978
CCC Tobacco quota compensation (contingent emergency appropriations)	3,000					-3,000
CCC Cooperative assistance (contingent emergency appropriations)	19,956					-19,956
CCC Burley tobacco (contingent emergency appropriations)	50,000					-50,000
CCC LDP delinquent borrower (contingent emergency appropriations)	5,000					-5,000
Food stamp excess shelter allowance (contingent emergency appropriations)	15,000					-15,000
Food stamp vehicle allowance (contingent emergency appropriations)	25,000					-25,000
Total, General Provisions	3,167,289					-3,167,289
Total, title VIII, FY 2001	3,638,949					-3,638,949
TITLE X - ANTI-DUMPING						
Anti-dumping	39,912					-39,912
Grand total:						
New budget (obligational) authority	76,659,577	73,976,108	74,359,843	75,797,465	75,794,443	-865,134
Appropriations	(73,015,628)	(73,981,408)	(74,359,843)	(75,802,765)	(75,797,743)	(+2,782,115)
Rescission		(-5,300)		(-5,300)	(-3,300)	(-3,300)
Emergency appropriations	(12,971)					(-12,971)
Contingent emergency appropriations	(3,630,978)					(-3,630,978)
(By transfer)	(719,987)	(764,774)	(770,903)	(782,670)	(771,844)	(+51,857)
(Loan authorization)	(11,463,780)	(12,028,476)	(13,713,692)	(14,067,362)	(13,962,986)	(+2,499,206)
(Limitation on administrative expenses)	(144,778)	(144,759)	(144,759)	(144,759)	(144,759)	(-19)

1/ In addition to appropriation.

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

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

Mr. Speaker, obviously I rise in very strong support of this bill and say it is truly an improvement over the original measure that passed the House 4 months ago. The conference committee actually did make it better. And while there are individual items with which we could each disagree, and those items will continue to be a focus for myself and other subcommittee members as we move ahead with other appropriations bills during this session, the product before us truly is worthy of our support.

Let me reciprocate to my very able colleague and fairly new chairman of our committee, the gentleman from Texas (Mr. BONILLA) for successfully guiding us through the challenges surrounding his first bill as our subcommittee chair. And I think that the buoyant attitude of the members and the cooperative spirit in which they worked is due to the tone that he set on the subcommittee.

Mr. Speaker, I want to issue my own thanks to our subcommittee staff that worked so very hard, such long hours, and they are never covered by C–SPAN, and the American people do not get to see the depth of their dedication: Hank Moore and Martin Delgado, Maureen Holohan, Joanne Orndorff, Jim Richards, and our detailee, Leslie Barrack, as well as Roger Szemraj from our own office and Julie Little as well. They just did an outstanding job of representing the interests of this House in this conference.

I wanted to pay special thanks to Martha Foley, who is our lone minority staff member, who ably and successfully represented our side of the aisle in painstaking negotiations with the other body. I am just so pleased she is able to be with us here on the floor today. I hope that all of her relatives and friends are watching because she surely deserves the appreciation of the American people.

Mr. Speaker, we bring to you a conference report that is $860 million below the enacted level for the last fiscal year, but it is $1.8 billion over the administration's request and $1.4 billion over the original bill that passed the House.

Now, should anyone have concerns about these points of comparison, let me respectfully point out that our needs today are far different from those that were submitted with the President's budget earlier this year, and they are substantially different from those that our Nation faced prior to September 11.

As I pointed out earlier this year, we are touched in our country by agriculture many times each day. It might be in the food we eat, the fabrics we wear, the biofuels that are being produced or the medications or vitamins that are prescribed. We are touched each day by research, by education, by training, by our food and animal, plant and health inspection services and by marketing services.

This bill continues the essential points that nearly 80 percent of the spending in this bill is mandatory. When one combines all the food assistance programs and the farm price support programs, only about 20 percent of what we can really affect in the bill is discretionary. Over half is what is projected to be spent in this measure is for food programs. That includes Food Stamps, the Women, Infant and Children Food Program and the Child and Elderly Nutrition Programs.

Now, there are significant accomplishments in this conference bill. We have provided an increase of $211 million for the WIC program over the initial House bill. With recent economic difficulties and increasing unemployment, we have added funds that are available in the program, should we need them. In fact, we have established a $2 billion reserve for the Food Stamp Program to reflect these concerns, the largest reserve we have ever had in this program.

I might just mention, if you look at New York City and many of the service workers that worked in the World Trade Center who are contract workers and have no benefits, those families absolutely have the right to be fed, to have a good holiday season; and this program will help cushion the blows that this economy and the situation we are facing with regard to terrorism is having on American families.

□ 1745

So we provided the largest reserve we ever have in the history of this program.

We have provided $10 million in supplemental funding for the Senior Farmers Market Nutrition program, an effort that has been more successful than anyone had anticipated and one which we hope will be continued as a part of the regular farm bill.

Both these funds are to support the program in addition to the other resources from the Commodity Credit Corporation that we hope the Secretary will use to sustain and hopefully expand this program to the full $25 million level.

Let me also mention we have the strongest possible language included in the statement of managers to be certain the Secretary of Agriculture understands that we expect her to continue the Global Food for Education program. This program can help boys and girls throughout the world get the necessary food while receiving education; and when we think about what is going on in Afghanistan and the surrounding region, it is particularly vital that we see the impact that this program can have in the months and years ahead.

We have so many Members here in the House to thank, Members like the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from Ohio (Mr. HALL), and certainly our retired Members from the other body, Bob Dole and George McGovern, for inspiring and carrying us through on the vision for this program and what it can do around the world.

The House did go along in this measure also with the higher Senate level for title II of the Food for Peace Program, PL–480, as the House had instructed before we went to conference. I respectfully and seriously thank the gentleman from Texas (Mr. BONILLA) and the staff for their efforts in securing this important funding.

We do have some successes with increasing food safety funding, particularly with respect to the Food and Drug Administration. The bill provides 10.7 percent over last year's level, and we know how important that agency is now in safeguarding our food supply and the safety of our pharmaceuticals.

It also includes the additional funds to fully fund the pay increases so essential to keeping staff in place and adding staff where necessary so that we can deal with threats to public health and ensuring public health and safety here at home.

We also included an increase of $15 million over last year for BSE prevention and enforcement. This is commonly known as mad cow disease. We have seen what it has done in other parts of the world, and we know that increasing monitoring of imports and inspection of feed mills here at home is essential to keeping that tragedy out of the American food chain.

We have included additional funds for food safety activities, including our import inspections and monitoring activities; and we have also important successes in this bill on funding for animal welfare, for rural development, for water and housing programs and research programs at our 1890 Institutions.

I know that the gentlewoman from North Carolina (Mrs. CLAYTON), who has worked so hard in order to increase funding, will speak on this matter very shortly; and we thank her so very much for her leadership and dedication on this important improvement to what our country offers, not just here at home but around the world.

Let me just say as I wrap up here, I am concerned about inadequate funding levels for food safety activities, particularly in the wake of what happened on September 11; and I am really encouraged that Secretary Thompson has recommended over $61 million in supplemental funds for the purpose of strengthening FDA's food safety and security activities. This truly is a step in the right direction, but only a step;

and we look forward to working with the Bush administration on improving those numbers.

We also had research funding requests from hundreds and hundreds of members that had to be reduced due to limits imposed in this bill. Hopefully in future years, we will be able to find a way to meet these important research activities which are the seed bed for innovation and advancement in our Nation.

Let me also say that the gentleman from New York (Mr. HINCHEY) was such a leader on this matter in our subcommittee, and this deals with the assistance to specialty-crop producers, particularly apple producers, that in the conference bill we have provided $75 million to assist those who have been so adversely affected by weather and drought conditions. In our original bill we had hoped to get $150 million. We just did not have the funds. We just did not have the allocation to do that; and I wanted to again recognize the gentleman from New York (Mr. HINCHEY), the gentleman from New York (Mr. WALSH), and the gentleman from Washington (Mr. NETHERCUTT), who have my personal commitment to work with them to make sure producers get the help they need.

On two final points, let me just say the conferees were successful in retaining language to retain the pork checkoff program. We expect the Department to honor the votes of producers to terminate that program or to put any settlement agreement to a new vote.

Finally, and this is truly emotional for all Americans, we were so pleased to be able to work with the able gentleman from Massachusetts (Mr. MEEHAN) to include language naming our very well-respected Farmer to Farmer program as the John Ogonowski Farmer to Farmer Program. John Ogonowski was the pilot of American Airlines Flight 11 which crashed into one of the World Trade Towers and citizen of Massachusetts.

He had exemplified the intent of the Farmer to Farmer program in reaching out among others to Cambodian producers, new immigrants to our shores, who had the need of improved skills to maximize their farming proficiencies, and naming this program for him offers the program an example of an outstanding American who knew both the responsibilities and joy of helping others to improve their situation while taking satisfaction from the accomplishment that such help provides.

Today, in the Sun newspaper from Massachusetts, there was a story that talks about American Airlines pilot John Ogonowski, and it talks about the former Under Secretary of Agriculture August Schumacher, who was a friend of John Ogonowski, and talked about how he was a fourth generation farm boy who never forgot his roots and he made real differences with his new entry programs for farmers in our country. John Ogonowski's father, Alexander Ogonowski, also a farmer, was overwhelmed when he learned of this great honor for his son and American patriot; and he said it is a little too much right now to even comment on.

As we move this bill to the floor today, we especially honor pilot John Ogonowski, and all those who fly on behalf of our commercial airlines and all those in service to our country in every walk of life. We owe them the freedom of expression that we enjoy here in this Chamber today.

I include for the RECORD the article from the Sun newspaper.

BILL AIMS TO RENAME U.S. FARM PROGRAM FOR LATE DRACUT PILOT

(By Kathleen Deely)

DRACUT.—A federal program in which U.S. farmers help their counterparts overseas will be named after deceased Dracut resident John Ogonowski if a bill before Congress is approved.

Ogonowski, who died piloting American Airlines Flight 11 when it was hijacked and crashed into the World Trade Center on Sept. 11, had for years harvested hay and produce on his 150-acre farm on Marsh Hill Road.

Renaming the Department of Agriculture's Farmer-to-Farmer program after Ogonowski has been included in the federal Agriculture Appropriation bill for 2002. The House and Senate are expected to pass the legislation, which will then go to President Bush for his signature, in the next few weeks.

John's sister, Carol Ogonowski, said naming the program after her brother is ''one of many tributes that John deserves.''

''John would be honored. It's only a fitting tribute to his life that touched so many others,'' she said.

The program is similar to the New Entry Sustainable Farming Project that Ogonowski ran for Cambodian farmers on his Whitegate Farm for several years. The partnership between Tufts University, the University of Massachusetts Extension Service and the state Department of Food and Agriculture helps immigrants grow their native vegetables and learn the farming industry.

Likewise, the program provides agricultural technical assistance to developing countries around the world and increases food production there.

The idea to name the program after Ogonowski came from August Schumacher Jr., the former undersecretary for farming and international agricultural programs, who was a friend of Ogonowski.

U.S. Rep. Martin Meehan, a Lowell Democrat, worked to have the name changed included in the 2002 agriculture bill.

''John was a fourth-generation farm boy who never forgot his roots,'' said Meehan. ''He made a real difference with his New Entry programs.''

Attaching Ogonowski, who was a full-time pilot, to the project makes sense, those who knew him said, because farming was his true passion.

John's father, Alexander Ogonowski, also a farmer, was overwhelmed when he learned of the honor.

''It's a little too much right now.'' he said.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a member of the subcommittee without whose excellent work this bill would not have been possible.

Ms. DELAURO. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me the time, and I rise in strong support of this conference report.

It addresses the many and often competing priorities of agriculture, health and nutrition; and I want to say thanks to the gentleman from Texas (Mr. BONILLA), the chairman; and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, for their leadership, and the subcommittee and associate staff for their hard work.

Connecticut is a leader in New England's agriculture, in eggs, peaches, milk production per cow. Like other farmers, Connecticut farmers are facing the toughest times since the Great Depression: plunging commodity prices, urban sprawl which puts it in the top 10 States in lost farm land. This spring, record low temperatures eliminated almost 40 percent of our peach and pear crops.

I am proud of the funding for programs that reach out and help our farmers: rural development, conservation, pest management, and commodity marketing assistance. I am also proud of the extension of dairy price supports through May 31, 2002. This program is an essential safety net for Connecticut's dairy farmers, all the more so since reauthorization of the Northeast Dairy Compact has not happened yet.

The compact is vital to the very existence of Connecticut's 228 dairy farms, each one a small family farm, and their way of life. In 2000, it returned $4.8 million in income back to these dairy farms. This is an average of $21,000 per farmer. Congress must address this issue. Without the compact, New England's farms are lost.

The conference report also funds coverage for more than 7.5 million WIC participants. I cannot emphasize enough how important WIC is in addressing the economic problems that this country faces. As unemployment increases, so does the number of families eligible for WIC. This essential nutrition, which currently serves approximately 47 percent of all infants born in the United States, provides low-income mothers and their children with nutritious supplemental food packages, nutrition education and counseling and a gateway to pre- and post-natal health care.

WIC does more than help families get through tough times. It contributes to better birth outcomes and reductions in childhood anemia.

This bill also funds safety efforts, but we do need to do more to protect American families from potential bioterrorist threats. Each year, 5,000 Americans die from food-borne illnesses; 76 million get ill, and 325,000 are hospitalized.

FDA inspects all types of food except meat, poultry and eggs. Yet, to cover

the 37,000 companies that make this food, the FDA has only 400 inspectors. For the 4.1 million imported food items, the FDA has less than 120 inspectors. These inspectors can barely cover 1 percent of the food coming into the country. In today's times, this is a crisis waiting to happen unless we do something.

I also want to work through the supplemental funding process to provide assistance to America's apple farmers. There are apple farmers in the State of Connecticut and the plunging market prices for apples are destroying the years of hard work put in by these dedicated men and women. We must be there for them.

Once again, I am proud of the work of the conference committee. I am proud to serve on the agriculture appropriations subcommittee. My thanks to the gentleman from Texas (Mr. BONILLA) and to the gentlewoman from Ohio (Ms. KAPTUR) for their leadership throughout the year in support of America's farmers and America's families.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR), a very distinguished member of our subcommittee, and I just hope that his constituents know how hard he works on their behalf. It is truly a joy to have someone with his vision and abilities working on this subcommittee.

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me the time.

I rise in strong support of this bill. I was just back here thinking that this is the one appropriations bill that comes to the floor with aroma and with taste. This is about food, and we often do not appreciate how much work goes into supporting the diversity of agriculture in the United States. We hear a lot of debate about the commodity programs in this country and the debate we ought to have. It is healthy.

What my colleagues do not know is all of the agriculture in this country gets not one bit of help from our U.S. Department of Agriculture except in academic areas like research dollars for finding alternatives to pesticides and herbicides; to research dollars that improve the nutritional quality of food for our school children and for adults and senior citizens; for programs that really benefit agriculture without giving a direct subsidy to crops such as marketing promotions where we are able to assist with local raised money to promote crops grown in America and other countries.

I would like to thank the chairman of this committee because he has taken the lead in being able to put specialty crops back up where they need to be, giving them more attention. In my district, one county, we grow 85 different crops. That is more crops than any other State, other than the State of California, grows in the United States.

One of the things that we are working on and continue to work on that with the authorization from the Committee on Agriculture is the ability to buy out development rights from farmers so that the agriculture can remain protected forever in agricultural areas and that we can preserve the prime agricultural lands of the United States just as we would preserve the great forests and the great river basins of this country.

Lastly, one of the things that this committee is very actively involved in and I hope we will move even more so in the direction is that we have spent a lot of money in this country determining what are the nutritional values of food that ought to be served, particularly to school children and infants; but we do not buy that same food. We need to shift our buying policy from the U.S. Government to buy more of the foods that we advertise and recommend as healthy foods. Those are organic foods that are fresh fruits and vegetables. Those are the specialty crops of America.

This bill moves a lot of that policy forward; and I would like to compliment the committee, I would like to compliment the Secretary of Agriculture for her good work in working closely with this committee, and I would like to think that in a bipartisan way the Democrats and Republicans can come together and unite around agriculture in America, and this is the bill for it.

I urge an ''aye'' vote.

□ 1800

Ms. KAPTUR. Mr. Speaker, I yield 4 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), a distinguished member of the authorizing committee who I must say works tirelessly to connect the work of the authorizing committee to the Committee on Appropriations, and certainly in her work on the 1890 colleges and assistance to Africa, there is no better advocate in this House.

Mrs. CLAYTON. Mr. Speaker, I rise today to express my support for the conference report before us, and to thank the chairman and the ranking member for their diligent work on this bill. I thank the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY) and his diligent staff for their efforts.

As always, this appropriation bill has required them to make many difficult choices and to weigh many competing priorities. However, in so doing, they have chosen well and have provided this House with a conference report that deserves quick passage. I would like to thank the appropriators especially for their efforts in two areas. First of all, as mentioned, I would like to express my thanks to the chairman and the ranking member for increasing the funding for research and extension of the Historically Black Colleges and Universities.

The minority-serving land grants, including the Historically Black Colleges and Universities, the American Indian College and Hispanic-serving Institutions, have long played a positive role in advancing the interests of the minority agricultural community.

This bill increases funding for both research and extension at the Black Colleges and Universities. The chairman and the ranking member have been very helpful in this effort and they deserve to be recognized for their friendship with the minority land grant universities.

Finally, I thank the chairman and ranking member for their efforts in maximizing the funds available to all of the nutrition programs in this bill. This is an agricultural commodity and nutrition bill.

Providing nutritious food for American children and working families is one of the most important responsibilities of this bill. Unfortunately, the shameful hunger always outpaces the limited dollars available to address this plague. I know that making decisions about how best to spend our nutrition dollars are always difficult ones, and I commend the gentlemen.

They also deserve a thanks for their efforts to ensure that the innovative and popular Senior Farmer's Market Program can continue, and for their diligence in working to preserve the integrity and increase the caseload of the WIC program.

This conference report provides $10 million so that this popular program for seniors will continue. This report also expresses its expectation that the administration will do its part by releasing funds from the Commodity Credit Corporation for the program. I add my voice to this, and urge the administration to follow the recommendation of the conference report by releasing $15 million so that we can strengthen and expand the Senior Farmers Market Program.

We must continue to increase funds to nutrition programs and to eradicate hunger from our midst. We could not have a more lofty goal for this Congress. There is no excuse for hungry families in America today. This bill is one small part of a problem that requires our continuous effort, but it is indeed a very important part which benefits millions of Americans. I urge my colleagues to support this program. I thank the entire committee and the chairman and the ranking member for their support.

Ms. KAPTUR. Mr. Speaker, I yield myself 2 minutes for the purpose of conducting a colloquy with the gentleman from Texas (Chairman BONILLA).

Ms. KAPTUR. Mr. Speaker, the gentleman knows that members of our subcommittee have been concerned

about food safety, and we know that contaminated food products cause an estimated 76 million food-borne illnesses annually in our country. Seafood represents more than 10 percent of the documented illnesses in the United States.

The conferees have accepted report language offered by the other body that calls for the Food and Drug Administration to report by January 1 regarding implementation of regulations by the General Accounting Office with respect to the compliance of seafood producer with HACCP, the Hazard Analysis and Critical Control Points.

That language concluded by calling for the development of food safety technologies that could ensure constant safe temperatures of seafood throughout the food chain. As a point of clarification, since some might construe the phrase ''food chain'' in a fashion different than we intend, would the chairman agree with me that our intent is to review the development of food safety technologies through the food supply chain?

Mr. BONILLA. Mr. Speaker, will the gentlewoman yield?

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

Mr. BONILLA. Mr. Speaker, I would agree with the gentlewoman that our intent with respect to the accepted language is the ''food supply chain.''

Ms. KAPTUR. Mr. Speaker, I thank the chairman for his concurrence.

Mr. NETHERCUTT. Mr. Speaker, I rise in support of the Conference Report to accompany H.R. 2330, the Fiscal Year 2002 Agriculture and Related Agencies Appropriations bill. I also wish to express some concern with the level of resources dedicated to FDA premarket device review functions.

The rapid increase in private and public sector biomedical research efforts will contribute to the development of many new breakthrough technologies to improve healthcare in the near term. It is my concern that FDA does not have sufficient resources dedicated to the pre-market review function at the Center for Devices and Radiological Health to quickly review these products so they may be used safely with patients. In the House version of the Agriculture and Related Agencies Appropriations bill, we directed the FDA to provide updates on medical device application review performance in January and July 2002. I urge the agency to adhere to this language and provide these reports to the members of our Committee on a timely basis. I also look forward to working with the Administration in the coming months to ensure that next year's budget includes a request for sufficient resources to meet the statutory review times for medical devices.

Mr. MEEHAN. Mr. Speaker, I rise today to express my appreciation that this year's Agriculture Appropriations Conference Report will rename the U.S. Department of Agriculture's (USDA) Farmer-to-Farmer Program after Captain John Ogonowski, who died on September 11, 2001 while piloting American Airlines' Flight 11.

Captain John Ogonowski was a highly respected resident of Dracut, Massachusetts, a pilot, and a fourth-generation farmer of his 150-acre farm. John also sponsored a program for Southeastern Asian immigrants to learn to farm and maintain their agriculture heritage through the New Entry Sustainable Farming Project—a partnership between Tufts University, the University of Massachusetts Extension Service, and Massachusetts's Department of Food and Agriculture. He provided land to these immigrants and became a close friend to many.

Similar to the program that John sponsored, the USDA Farmer-to-Farmer Program will be renamed the John Ogonowski Farmer-to-Farmer Program. This program provides assistance to farmers in developing countries to help increase food production and distribution, and improve the effectiveness of farming and marketing operations.

John made a notable difference in the lives of many immigrants learning to farm, and it is only fitting that the Farmer-to-Farmer Program, which embodies John's commitment to training new farmers, will now carry his name.

It is comforting to know that John's family and friends will have this lasting tribute to him, which encompasses his love of the land and his commitment to helping others. If his family, including the members I have gotten to know—his wife, Margaret; his children, Laura, Caroline, and Mary Katharine; and his brother, James—are any indication of the kind of person John was, then he was a truly magnificent man, both in spirit and in his deeds. Their strength of heart and commitment to John's legacy, combined with tributes like this, will ensure that John's memory never dies.

I am grateful for the willingness of Chairman BONILLA and Ranking Member KAPTUR to include this designation in the Conference Report. I also want to thank August Schumacher, Jr., John's friend and the former Under Secretary for Farming and International Agriculture Programs, for his commitment to remembering John. I imagine that John would be truly grateful, and modest, in his acceptance of such an a honor.

Mr. BENTSEN. Mr. Speaker, I rise to express my strong support for the Fiscal Year (FY) 2002 Agriculture Appropriations legislation (H.R. 2330) that would provide $75.9 billion in funds for the U.S. Department of Agriculture, the Food and Drug Administration, and other related agencies. I believe we must support our nation's agriculture programs and am very pleased that this year's bill includes sufficient federal funding for nutrition research programs.

I am particularly pleased that this legislation includes $979 million in additional federal funding for the Agriculture Research Service (ARS), a division of the U.S. Department of Agriculture. The ARS conducts and funds a variety of research projects, including nutrition research. The ARS provides funding for six human nutrition research centers, including the Children's Nutrition Research Center (CNRC) at Baylor College of Medicine in Houston, Texas. The CNRC is the only human nutrition research center which focuses primarily on pediatric nutrition and helps to make recommendations about childhood diets.

As the representatives for the CNRC, I applaud the innovative pediatric nutrition research which the CNRC conducts each year. I am also pleased that this bill includes an additional $400,000 for the CNRC so they can expand their pediatric nutrition research next year. I believe that this investment will not only save lives but also reduce health care costs as we learn more about what is the best, most nutritional food for our children to eat. This additional funding will fund valuable research which will help families to provide nutritional food for their children so that these children will live longer, healthier lives.

There are many examples of CNRC's research which will have a direct impact on our lives. For instance, CNRC researchers are currently examining the nutritional factors necessary for optional health and development of infants and children of all ages. Another CNRC study is working to identify the factors that influence children's eating habits and how best to help children and families to adopt healthier habits to avoid the long-term health problems linked to poor nutrition, such as obesity, diabetes, stroke, and osteoporosis. The CNRC is also doing research on the nutrition of mothers and their infants during pregnancy and lactation. These studies will examine the optimal dietary calorie, protein, and mineral requirements for maternal health during pregnancy and lactation. With this study, mothers and their infants will learn more about the necessary nutrients they need to maintain optimal health during pregnancy and lactation.

I urge my colleagues to support this bill which provides necessary funding for agriculture and nutrition research programs.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of the conference report for H.R. 2330, the Agriculture appropriations legislation for fiscal year 2002.

This Member would like to commend the distinguished gentleman from Texas (Mr. BONILLA), the Chairman of the Agriculture Appropriations Subcommittee, and the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee, for their hard work in bringing this conference report to the Floor.

Mr. Speaker, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Agriculture Appropriations Subcommittee operated. In light of this constraints, this Member is grateful and pleased that this legislation includes funding for several important projects of interest to the state of Nebraska.

First, this Member is pleased that the conference report provides $452,000 for the Midwest Advanced Food Manufacturing Alliance (MAFMA). The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The MAFMA awards grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. During the seventh year of competition, MAFMA received 39 proposals requesting a total of $1,382,555. Eleven proposals were funded for a total of $348,147. Matching funds from industry for these funded projects total $605,601 with an additional $57,115 from in-kind funds. These figures convincingly demonstrate how successful the Alliance has been in leveraging

support from the food manufacturing and processing industries.

Mr. Speaker, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing world-wide demand for U.S. exports of intermediate and consumer good exports. In order to meet these changing world-wide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that the conference report includes $196,000 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project is in its fourth year and has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country, this effort is obviously important.

Another important project funded by this conference report is the Alliance for Food Protection, a joint project between the University of Nebraska and the University of Georgia, which received $293,000 under the conference report. The mission of this Alliance is to assist the development and modification of food processing and preservation technologies. This technology will help ensure that Americans continue to receive the safest and highest quality food possible.

This Member is also pleased that the legislation funds the following ongoing Cooperative State Research, Education, and Extension Service (CSREES) projects at the University of Nebraska-Lincoln:

Food Processing Center, $42,000; Non-food agricultural products, $64,000; Sustainable agricultural systems, $59,000; Rural Policy Research Institute (RUPRI) (a joint effort with Iowa State University and the University of Missouri), $1,040,000.

This Member would also note that the conference report includes a loan subsidy of $3.9 million for the Section 538 rural rental multifamily housing loan guarantee program, which is to support $99.77 million in loan authorizations. The program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring ten percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100% Federal guarantee on the loans they make. Unlike the current Section 515 direct loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Speaker, this Member certainly appreciates the appropriations for the $40.166 million loan subsidy for the Department of Agriculture's Section 502 Unsubsidized Loan Guarantee Program, which is to support $3.1 billion in loan authorizations. The program has been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up to 20,000 residents in non-metropolitan areas and in rural areas. The program provides guarantees for 30-year fixed-rate mortgages for the purchase of an existing home or the construction of a new home.

Mr. Speaker, in conclusion, this Member supports the conference report for H.R. 2330 and urges his colleagues to approve it.

Mr. HINCHEY. Mr. Speaker, I would like to speak in support of the FY 2002 Agriculture Appropriation conference report. On the whole, it is a very good bill, and I commend Chairman BONILLA and Ranking Member KAPTUR and the entire Subcommittee staff and minority staff for their efforts. As good as it is, it does have several shortcoming that I will address in a minute.

AGRICULTURAL RESEARCH

I am pleased, however, at the level of support for agricultural research in this bill. Basic research is one of the best investments the government can make, but it's too easy for critics to poke fun at projects in this bill without ever considering the importance of the underlying research. USDA scientists and their collaborators at land grant universities work every day to ensure our food security, to preserve the competitiveness of American agriculture in a global economy, and to fight against bio-terrorism.

I am proud to represent Cornell University, which is the recipient of many of these special research grants. By way of illustration, Cornell scientists are using USDA funds to investigate the causes and cures of fire blight, a disease that is infecting apple orchards across the country. In the five years of this research program, they have made progress in disease detection, development of biological controls, controlling the problems of antibiotic resistance, development of disease-resistant cultivars and rootstocks, plant nutrition, and chemical control. It will take at least another five years before we can evaluate the long-term success of preliminary findings.

FARMERS MARKETS

The FY 2002 agriculture bill is also notable for its support of farmers market programs. Farmers markets are also one of the best investments we can make in American agriculture. Not only do they provide farmers with a direct market for their crops, but they also give city residents access to fresh, locally-grown produce. Many of the farmers in my district live within 100 miles of New York City and sell their produce in the dozens of markets throughout the City. Most of these markets would not exist if not for programs that allow low-income families to use their food stamp and WIC benefits at the markets. I am also pleased that the conference report funds the new senior farmers market coupon program for low-income elderly shoppers.

I would like to point out one provision that is especially important to the farmers' market community in my state. The bill contains funds for a pilot program in New York to implement wireless handheld technology in the markets. This innovation is critical to the survival of farmers markets in low income communities, as food stamps and WIC benefits are increasingly delivered electronically through electronic benefit transfer (EBT) cards. Because farmers markets operate outdoors with limited access to electricity or telephone lines, it is much more difficult for people to use their EBT cards in the markets. New York has been testing this technology on a limited basis with great success, and will be able to use these funds to expand the program into more markets across the State. It is my hope that this pilot will prove to be so successful that the Department will adopt it as a model for a nationwide wireless EBT program.

RURAL BROADBAND DEPLOYMENT

Another provision in this bill will provide greatly needed assistance to help New York retain jobs and employers displaced by the September 11 terrorist attacks on New York City. These events have created a massive need for the City and surrounding communities to replace millions of square feet of office space equipped with advanced telecommunications services including broadband service. The New York City metropolitan area is experiencing a huge demand for this type of office space, both for immediate relocation as well as for remote, redundant back-up locations.

My colleagues in the New York Congressional delegation, the Mayor, and the Governor want to keep as many of these displaced jobs in New York as possible. We believe that the Rural Utilities Service telecommunications loan and grant programs have a key role to play in this effort. There are existing RUS broadband borrowers in the Hudson River Valley of New York who can help accommodate companies who are trying to resume normal business operations just outside of the city. This provision will make it possible for these borrowers to respond quickly to preserve New York jobs.

We already know that New York will need to deploy additional broadband communications services rapidly to accommodate the increasing demand emerging in some of the rural areas in upstate New York. Connecting businesses, data facilities, and telecommuters to New York city are critical to recovery efforts. The conference report give the Administrator of RUS certain flexibilities and encouragement to expeditiously process loan applications from existing RUS broadband borrowers who are responding to recovery and rebuilding effort in New York.

The measure is self-executing, needs no new regulation, and requires no additional funding. It provides needed regulatory flexibility so the RUS can work with qualified, *existing borrowers* to receive additional financing to respond to this crisis. It also allows the RUS to modify terms of a borrower's existing loan, in order to provide operational flexibility to better respond to this crisis.

There are already several RUS borrowers in New York State. One, Hudson Valley DataNet, has already qualified for the broadband program and is providing broadband services in the Hudson Valley area, less than 100 miles north of New York City. This region of New York will be essential to the recovery effort for many companies seeking to restore operations, as well as companies seeking remote, secure, redundant data locations. Given the dramatic increase in demand for new deployment, however, the RUS needs this new authority to help:

• Carriers respond to the intense need to deploy services immediately for the recovery effort. These companies will need help to expedite their applications through RUS procedures, redefine terms of existing loans, and make adjustments to some of the existing program requirements to accommodate the recovery effort in New York State;

• Communities in the Hudson Valley, which are surrounded by rural areas that fall just above the 20,000-population limit for the broadband program that could benefit from some RUS process flexibility;

• RUS borrowers who wish to receive RUS financing to extend or acquire facilities into New York city for the express purpose of providing high capacity service connections into the Hudson Valley. These direct connections will provide a means for City-based companies to have broadband access to their secure redundant data site in the Hudson Valley.

This measure will not have an adverse impact on other borrowers or future borrowers participating in RUS loan and grant programs. The language permits the Administrator to use some flexibility in handling applications related to the recovery effort in New York and expedite processing. Any project funded through this authority will be fully scrutinized for financial feasibility. Providing regulatory flexibility to the RUS to process applications related to the recovery effort in New York will help many companies and their employees resume normal operations and restore the areas's economy.

APPLE MARKET LOSS ASSISTANCE

As I mentioned at the beginning of my statement, there are parts of this bill that are not as great as the few I have highlighted. In particular, I am very disturbed that the conference report cuts the Apple Market Loss Assistance Program to $75 million, a 50 percent reduction from the House-passed bill. I worked very hard with my colleagues JIM WALSH and JOHN SWEENEY to include this provision in the House version of H.R. 2330. The Appropriations Committee approved $150 million for the Apple Market Loss Assistance Program by a very strong bipartisan vote, and the House passed it overwhelmingly.

The U.S. apple industry is suffering serious financial hardship for the fifth straight year. Though the causes can be attributed to a variety of factors, the essence of the problem is low prices, compounded by bad weather and plant diseases. Between 1995 and 1998, U.S. apple prices fell precipitously, down 27 percent. In 1998, apple prices fell more than 20 percent in a single year, to their lowest point in over a decade. Prices never rebounded in 1999, and were hard hit again in 2000. During the last five years, the overall value of the U.S. apple production fell 25 percent—and losses from the 2000 crop alone are estimated to be nearly $500 million.

A good share of the apple industry's trouble comes from the illegal dumping of apple juice concentrate by China, an issue that the U.S.TR has since addressed. Even so, increased tariffs have not made a significant improvement in the price of apple juice in the late year. In addition to low process, apple producers in New York and the northeast incurred "quality losses"—reduction in sales prices resulting from severe hail damage to their crops. In Michigan, growers suffered a crippling epidemic of fire blight that destroyed thousands of acres of orchards.

The newspapers have been full of reports of growers pulling up their orchards and selling prime farmland for real estate development because they can no longer make a living from apples. Our Apple Market Loss Assistance Program is a very modest lifeline to farmers who are barely hanging on. While I am very grateful for the $75 million, it is not nearly enough to combat the conditions I have described.

The cut to the Apple Market Loss Assistance program is one more example of how U.S. agricultural policy shortchanges specialty crops at the expense of program crops. Most of the money delivered by U.S.DA this year is mandatory spending dictated by the authorizing committee, that we do not have the authority to touch. Not a dollar of those billions goes to specialty crop growers. The same is true for the additional billions that we pay in supplemental and emergency payments every year.

I worked very hard with many of my colleagues to correct this imbalance earlier this year when the farm bill was on the floor. Unfortunately, our effort fell short by a few votes. It is my hope that the other body will pass a farm bill that evens out our priorities and results in a better deal for specialty crop growers in the end. Until that time, the greatly reduced Apple Market Loss Assistance Program is the only help we can offer our growers.

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

Mr. BONILLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

There was no objection.

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

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

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PUT OUR CHILDREN FIRST RESOLUTION OF 2001

Mr. HERGER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 228) expressing the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging the heads of Federal agencies responsible for providing such assistance, services and benefits to give the highest possible priority to providing such assistance, services and benefits to those children, as amended.

The Clerk read as follows:

H. CON. RES. 228

Resolved by the House of Representatives (the Senate concurring), That this resolution may be cited as the "Put Our Children First Resolution of 2001".

SEC. 2. (a) The Congress is grateful to the Federal, State, and local agencies for their actions to deliver prompt services to the children and families impacted by the events of September 11, 2001, and recognizes their efforts to expedite and streamline these important services.

(b) It is the sense of the Congress that the children who lost 1 or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with such immediate assistance, services, and benefits for which they are eligible and which are necessary for their well-being, including—

(1) foster care assistance;

(2) adoption assistance;

(3) medical, nutritional, and psychological care;

(4) educational services; and

(5) such additional care or services as may be necessary.

(c) The Congress urges each Federal, State, and local agency responsible for providing assistance, services, and benefits referred to in subsection (b) to—

(1) act without delay to provide such assistance, services, and benefits to children described in that paragraph; and

(2) to the maximum extent possible, take such steps as are necessary to ensure that such assistance, services, and benefits are provided in the case of any such child within 60 days of the date of the determination of the death of the child's parent, parents, or guardian.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

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

Mr. Speaker, I rise today in support of H. Con. Res. 228, as amended, offered by the gentlewoman from Texas (Ms. JACKSON-LEE). The resolution expresses Congress' gratitude for the efforts of numerous Federal, State and local agencies in moving quickly to provide services and support to children and families affected by the tragedies of September 11. It urges continued swift assistance.

Since the events of September 11, this Congress has worked with great speed to respond to the Nation's emergency needs. We provided $40 billion in emergency funding to respond to the tragedies and shore up our national security.

The House passed important legislation to stimulate the economy and support the unemployment and health care needs of dislocated workers. Sweeping new airline measures passed each body which should become law shortly.

Defense and other appropriation measures were amended to account for our new national security and other needs.

At the same time, workers on the front lines of our social services agencies, especially in the New York City

and Northern Virginia areas, respond quickly to deliver services and support.

I would like to take a moment to report on the activities of the U.S. Department of Health and Human Services agency and the State and City of New York in responding to the needs of children and families affected by the attack on our country.

HHS began responding to the attack the very day it happened providing disaster medical assistance teams, medical supplies, and mental health assistance to the affected areas. Within days HHS released emergency funds for child care, temporary food and shelter, emergency meals, child welfare services and health care. In total, HHS provided more than $126 million for these essential services. HHS also used its emergency powers to cut through red tape to speed aid to the needs of children and families affected.

Similarly, the City and State of New York have reacted with speed and compassion to transform routine service programs into disaster response teams. What we have seen and salute today is the quick responses by so many local service providers to the needs of our fellow citizens, and especially families with children who lost one or even both parents in the September attacks.

These responses reinforced to terrorists and the world what we already knew, that we can shake America but we cannot break America. We will respond and we will rebound even stronger than before.

Perhaps the most striking examples of America coming together to respond to this tragedy have been the numerous occasions of neighbors helping neighbors and public and private agencies working together with government and charitable funds to support needy families.

Charitable donations have come from people across the economic spectrum, from the wealthiest Americans to the sixth and seventh and eighth grade classes of Oakland, California who sold red, white and blue hair ribbons to raise $500; or for the K through 7 youngsters of Wyandatt Grammar School in Oroville, California in my district who sold pumpkins and raised $831 for the fund.

This resolution applauds the efforts that have already been made to support families in need and calls on continued appropriate Federal, State and local support for these children and families affected by the tragic events of September 11. I urge its adoption.

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

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

Mr. Speaker, one does not know the strength of a family or a community or indeed a country until we have been hit hard by a disaster; and certainly our country and my city was hit hard on September 11. But we just do not know how long it is going to take and what the response is going to be until things like this happen, because yesterday morning Flight 587, an American Airlines flight, took off from Kennedy headed for Santo Domingo. It crashed 2 minutes later. 260 people lost their lives; 9 of these people were part of the crew. Almost all of these people were Dominican. Almost half came from my congressional district, and this morning I was there with the survivors as they were looking for social services and trying to identify those who have been lost.

Mr. Speaker, I say this because all of us in the Congress and the country really have to treat each other with more civility and more dignity and be more aware of those who give their lives and help ease the pain when communities suffer something like this. These people who left to go to Santo Domingo for Thanksgiving or Christmas to have family reunions left behind people who will never see them again.

□ 1815

It is just a reliving in a lesser way the nearly 5,000 people who are dead or presumed to be dead as a result of the tragedy of September 11.

We cannot restore these families, we cannot bring back the lives, but we can talk about the services that have been available, the courageous people who have tried to save lives, those that continue to give spiritual and social services. We can thank Members of Congress such as the gentlewoman from Texas (Ms. JACKSON-LEE) for reminding us and being able to never allow us to forget that we have to be ever vigilant, we have to be ever prepared to give these prompt services to families and especially to children of these families. Getting in the habit of caring, getting in the habit of loving, getting in the habit of recognizing that we all are just one family makes it easier for us to respond and makes it easier for the affected families to try to bring their lives together. I think that the Congress does well by giving support to this legislation.

Mr. Speaker, I ask unanimous consent that the sponsor of this legislation, the gentlewoman from Texas (Ms. JACKSON-LEE), be allowed to control the remainder of my time on this bill.

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

There was no objection.

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding time, and I appreciate all the work that the gentlewoman from Texas has done on this resolution.

Mr. Speaker, I rise in support of the Put Our Children First resolution. I believe that this measure will help to ensure that children impacted by the terrorist attacks of September 11 will receive the assistance, services and benefits they need.

Words cannot express the effect of September 11 on the children who lost one or both parents in New York, Pennsylvania, or at the Pentagon. I know all of us have been stunned to learn that as many as 10,000 children lost one or both parents at the World Trade Center. I strongly believe that we have an obligation to do all that we can to help these young people move forward with their lives. In the coming weeks and months, each child will require something different and something special. Some children will require everything from medical care, and others may need foster care and adoption assistance. Still others will require the experienced ear of a therapist, counselor, or a psychologist.

Our country has seen a remarkable display of unity in the 8 weeks since September 11. I know of the hard work and assistance of countless individuals who have put their lives on the line to help others. As the rest of the country returns to a more normal routine, we must not forget that the events of September 11 will affect these children forever. The Put Our Children First resolution urges our Federal agencies responsible for assistance to these children, the Department of Health and Human Services, the Department of Education and others, to continue their hard work and to provide the necessary services to each affected child without delay. This is the least we can do.

Mr. Speaker, I urge my colleagues to support this important resolution. Again, I thank the sponsor of this bill, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I thank the Members who have come to the floor for their support and kind words. This has been a long journey for those who have suffered and for the effort to ensure that as we work together in Federal and local and State agencies that we put our children first. I would like to thank the majority leader, the gentleman from Texas (Mr. ARMEY); and the minority leader, the gentleman from Missouri (Mr. GEPHARDT); the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), to whom I spoke very frequently about this bill and its language; the gentleman from New York (Mr. RANGEL), the ranking member, who worked very closely with myself and my staff; the gentleman from California (Mr. HERGER), as well, for his leadership and support; the gentleman from Texas (Mr. GONZALEZ); and members of their staff: Kirk Boyle, Siobahn Abell, Dan Turton, Janis

Mays, Allison Giles, Bob Winters, Matt Weidinger, John Kelliher, Nick Gwyn and Kevin Kimble. We would not want to leave anyone out who was able to help us move this legislation, for I think it is important for this Congress to stand on the floor of the House and mention and be concerned about our children. I would like to thank my staff, Rajah Manno, for his assistance as well.

I believe that this is an important day. We realize that there has been a great deal of effort to nurture those children who have lost a parent, a guardian or parents. In the shadow of the tragedy that happened on yesterday, the terrible airplane crash, let me offer my deepest sympathies to New York and to Queens, New York, again; but as your mayor said, I know that this too will be one that they will rise to overcome, but I understand the deep pain.

This will be a long journey for those whose children would be impacted by the loss of individuals on that airplane and in that neighborhood. This has been a long journey for those children on September 11 who as well lost their parents. In a ceremony on Veterans' Day, the President of the United States joined in honoring those who lost their lives at the World Trade Center from around the world. In looking at writings that were on the railing of the platform where the ceremony was held on Veterans' Day, there were several writings. One of them simply said, ''I love you, Daddy. Love, Lucy.''

How many daddies and mommies and others were lost on September 11? The reason we proposed this legislation and now bring it to the floor is because we believe that this will be a long journey and the long journey will last into these children's lives for as long as they live; for September 11, a day of infamy, will be in America's lives and in American history for as long as we survive.

Today, 2 months after the tragedies, estimates of the number of children impacted vary greatly. Unofficial estimates place the number between 10,000 based on various news sources and cited several weeks ago on National Public Radio by Senator HILLARY RODHAM CLINTON and 15,000 cited in an editorial in the Times on September 26, 2001. We do know that 4,000 children qualify as orphans under the Twin Towers Orphan Fund and some 1,500 children were left by the 700 missing Cantor Fitzgerald employees alone. Dennis Buckley of Lynbrook, a successful broker at Cantor Fitzgerald, left three little girls: Mary Kate, 6; Megan, 4; and Michele, 20 months. Daniel Harlin, 41, a Manhattan firefighter who lived in Kent in Putnam County, left behind his wife and their three children aged 9, 7, and 2. So whatever the official numbers are, as Mayor Giuliani correctly noted, these numbers are simply more than any of us can bear.

As chair of the Congressional Children's Caucus, I call on this Congress to recognize the uncounted victims of these tragedies, the children, the children who remain, not being able to call out to daddy or mommy and not being able to call out to their guardian, their grandmother or grandfather. This resolution today puts in the forefront the needs that they may have. It likewise applauds those local governments who have already been on the front line. But we want to emphasize that the children over a long period of time when maybe the dust settles and maybe the degree of publicity will no longer be there, they will need foster care assistance, adoption assistance, medical and nutritional and psychological assistance, educational services, such as additional care or services as might be necessary in light of this tragedy.

A story was written in the Washington Post just a couple of weeks ago; and it commented on one of the young victims, if you will, who had lost their parents. It indicated that he had a hard time going to sleep. He was 5 years old. And when he went to sleep, he had nightmares. We want to be able to shore up those services with Federal assistance from Health and Human Services to ensure that the children will be protected. This legislation asks that we expedite these services for these children, and we ask that the services be rendered to them within 60 days of designation of a death certificate.

At a recent Congressional Children's Caucus briefing on October 12, Cindy Freidmutter, executive director of the Evan B. Donaldson Adoption Institute in New York, spoke to this issue. She noted that after September 11, the adoption institute proposed the Permanency Project to minimize further trauma and uncertainty in the lives of children who lost one or both parents. One of the most important aspects is getting children to a caregiver, a relative or somewhere where they can stay for a period of time, where they have a stable family structure, because repeated changes in caregivers for displaced children can cause irreparable harm.

Second, children who lost their parent benefit by having a permanent caregiver who is a family member or a close family friend, and when possible it is beneficial for such children to remain with their siblings. Separation from remaining biological family members can cause those children significant additional trauma. So we ask today that this Congress goes on record in embracing the children who lost their families during that terrible tragedy and also goes on record to ensure that we would have the kind of attention that is necessary to them over a long period of time.

We are very gratified that the leadership of this Congress has seen fit to move this legislation.

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

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased that the gentleman has yielded me this time, and I am very honored to be a cosponsor of this resolution along with the gentlewoman from Texas. Together we cochair the Congressional Children's Caucus. We had a series of briefings on this terrible tragedy, because in scenes worse than a horror movie, Americans witnessed the hijacked planes slam into the World Trade Center and the Pentagon and fall to the ground in Pittsburgh; and in the blink of an eye thousands of lives were snatched and Americans lost our sense of safety. These acts of terror tested the courage and the strength of Americans, but it helped us to grow stronger and more united.

Today we are pulling together to rebuild our Nation and working toward a heightened sense of security. But as we restore our lives, we must not forget the children who lost a parent or a guardian in the September 11 attacks. For millions who watched the carnage, the harrowing images will be imprinted forever in our memory. But for the children who lost a parent in this catastrophic act of terror, their lives will never be the same again.

Today, as an original cosponsor of H. Con. Res. 228, I am proud to join my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who has worked tirelessly to see this bill through. I thank the many cosponsors that are listed on our bill here today. This resolution calls for the immediate benefits to children who lost one or both parents or a guardian in the multiple tragedies. It will call for children of the 9–11 victims to receive foster care, medical assistance and psychological services which they so desperately need.

It has been 2 months since the evil terrorist attack upon America and still many surviving family members, particularly children of the September 11 attack, have yet to receive the benefits they need and they deserve. We recognize that all the money and the services in the world could never replace the beloved one that they have lost, and we know that they are still in grief. But although money cannot mend their scars, the passage of this resolution can provide the necessary bandages to help heal their deep wounds. Children who lost a parent or a guardian in this national tragedy need psychological and other services right now. That is why we are asking tonight that our colleagues vote for H. Con. Res. 228 to help those victims, to help the surviving family members get the help that they need and get it now.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES).

□ 1830

Mrs. JONES of Ohio. Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) again for coming into my congressional district very recently to be of assistance to me and to my colleagues.

Mr. Speaker, I rise in support of House Concurrent Resolution 228, a bill to expedite services and benefits to children who lost parents or a guardian during the September 11 attacks.

In my former life, I served as the Cuyahoga County Prosecutor. One of the things I learned in that capacity was the fact that children who witness violence are often more harmed than the children who are actually within the violent situation. It is so important that our colleagues today act on behalf of those children. They have lost parents, they have lost guardians, and they have witnessed, day after day, month after month, week after week, a repetition of that violence: by seeing it on TV; through the description of the World Trade Center towers; by listening to people talk about terrorism; by being engulfed with all that has gone on in our country. It is our obligation as Members of Congress to step up to the plate and support those young people. Without our support and encouragement, that in fact would not happen.

The fact that in our country we have not given parity to mental health even makes this issue of greater importance. You think about the health care benefits that many of these children might well not have as a result of their parents or guardians being out of work; in fact, it may not give them adequate coverage to be able to receive the type of mental health care that they are entitled to under the circumstances.

I encourage my colleagues to support this resolution, to provide the educational services that are necessary for these young people, to be able to continue their lives and be useful citizens in our country, the assistance for adoption and foster care. We have talked about this over and over again on the floor of the House, the importance of having a strong family around young people to help them grow and to build, to help provide support for them, even through adoption or through foster care.

I am confident that there are many parents and many families out here who would love to take in an additional child, but financial situations may not allow them to do so. For us to be able to encourage these families to take on more children, to be supportive, to provide guidance, I often say to people when we talk to them, my son Mervyn is 18, and I used to tell him all the time there were times when I thought I wanted to be his friend, but he needed a parent more than he needed a friend. These people in fact need parents who will stand up and teach them the right way and help them work through this whole loss that they have had.

So I am pleased to rise with my colleagues in support of this resolution, and would encourage all of my colleagues to vote in favor of it.

I thank the gentlewoman from the State of Texas for her hard work and other Members who have worked on this resolution.

Mr. HERGER. Mr. Speaker, I urge support of H. Con. Res. 228, as amended, and yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to indicate to this House that although this legislation is being sponsored today, debated today and, I hope, passed, this will be a very long journey for these children. It is important that we set a framework and establish, if you will, a national forum for these children to have the protection that they need.

In closing, I would just like to thank the 40-plus cosponsors, many of them from New York, and thank the cochair of the Congressional Children's Caucus, the gentlewoman from Florida (Ms. ROS-LEHTINEN), who worked so very closely with me as we proceeded to bring this legislation to the attention of our colleagues through special orders.

I do want to thank, as well, the cochairs of the Women's Caucus for supporting this legislation, the distinguished gentlewoman from Ohio and the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD). I thank them very much for their support, as well as the gentlewoman from Illinois who spoke on this legislation.

I also want to pay tribute to the Calderon family, who visited with us just a few weeks ago. They lost their mother, Lizzie. Their 4-year-old daughter and 20-month-old son, even as we tried to listen to their story, the two children were calling for ''Mommy.'' These are the children that we are trying to emphasize as we go forward with this legislation.

Similarly, as I read stories about the tragedy of yesterday's airplane crash, it was noted that one parent left her children with her relatives as she was en route to the Dominican Republic to handle family business. Those children would fall in the category of being able to have services rendered to them with an eye toward expediting those services.

Mr. Speaker, I include for the RECORD letters of support from the National Mental Health Association, the Orphan Foundation of America, Save the Children and the Children's National Medical Center in support of H. Con. Res. 228, as amended.

NATIONAL MENTAL HEALTH ASSOCIATION,
Alexandria, VA, September 24, 2001.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the National Mental Health Association, the country's oldest and largest nonprofit organization addressing all aspects of mental health and mental illness, I am writing to lend our full support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's 57 co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.

Sincerely,

MICHAEL M. FAENZA, MSSW
President and CEO.

ORPHAN FOUNDATION OF AMERICA,
Reston, VA, September 24, 2001.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the Orphan Foundation of America (OFA), I am writing to lend our full support of H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

OFA endorses the purpose of this timely resolution; it is vital to prioritize the delivery of benefits and services already available under federal law to children who have lost parent(s) or guardians as a result of the tragedy that befell our nation on September 11, 2001. The resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay and it seeks to remedy that for those who need services.

We will urge all Members of Congress to join you and the resolution's 57 cosponsors in supporting this legislation. Thank you for introducing H. Con. Res. 228.

Sincerely,

EILEEN MCCAFFREY,
Executive Director.

SAVE THE CHILDREN,
Washington, DC, September 25, 2001.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of Save the Children, I am writing to

lend our support for H. Con. Res 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of the resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the September 11, 2001 tragedies. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred losses in the World Trade Center, Pentagon, and Somerset County, Pennsylvania.

Save the Children applauds your efforts in recognizing the immediate needs of the children who suffered such a great loss as a result of this tragedy. We see this as an essential first step and hope that we can continue to build upon this initiative to meet the long-term needs of children everywhere who have been affected by these tragedies and potential future events.

We look forward to working with you.

Sincerely,

KATHLEEN CONNOLLY,
Director, Public Policy and Advocacy, U.S. Programs.

CHILDREN'S NATIONAL MEDICAL CENTER,
Washington, DC, September 24, 2001.

Hon. SHEILA JACKSON-LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON-LEE: On behalf of our organization, I am writing to lend our full support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's 57 co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.

Sincerely,

PARAMJIT JOSHI, M.D.,
Professor and Chair, Psychiatry and Behavioral Sciences.

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS,
Bethesda, MD, September 28, 2001.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the National Association of School Psychologists (NASP), I am writing to lend our full support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001. NASP represents over 22,000 school psychologists who work with families and educators to promote youngsters' healthy development and learning. NASP strongly supports public policies that meet the mental health needs of all Americans and particularly those of children and youth.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's numerous co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.

Sincerely,

LIBBY K. NEALIS,
Director of Public Policy.

CHILD WELFARE LEAGUE OF AMERICA, INC.,
Washington, DC, September 25, 2001.

Hon. SHEILA JACKSON LEE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the Child Welfare League of America (CWLA), I am writing to lend our support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11th. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's co-sponsors in supporting this legislation. We believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Sincerely,

SHAY BILCHIK,
Executive Director.

AMERICAN ACADEMY OF CHILD & ADOLESCENT PSYCHIATRY,
Washington, DC.

Hon. SHEILA JACKSON LEE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the American Academy of Child and Adolescent Psychiatry, I offer our full support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which expresses the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies.

The resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's 57 co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.

Sincerely,

CLARICE J. KESTENBAUM, M.D.,
President.

Mr. Speaker, I would simply like to thank again my colleagues for their support, and I would ask for their unanimous support of this legislation, recognizing that it is our responsibility to be our brothers' and sisters' keepers, but in particular, the keepers of America's children, our most precious resource.

Mr. Speaker, I'd also like to take this opportunity to thank everyone responsible for bringing this important resolution to the floor: Majority Leader DICK ARMEY, Minority Leader DICK GEPHARDT, Ways and Means Chairman BILL THOMAS, Ways and Means Ranking Member CHARLIE RANGEL, Congressman WALLY HERGER, Congressman CHARLES GONZALEZ, and Members of their staffs including Kirk Boyle, Dan Turton, Janice Mays, Allison Giles, Bob Winters, Matt Weidinger, John Kelliher, Nick Gwyn, and Kevin Kimble. Your good work on this legislation demonstrates the greatest spirit of bi-partisanship.

The tragedies of September 11, 2001 are fresh in our hearts and minds. The thousands of victims from over 80 countries around the world evidence that these were truly attacks against all humanity.

As the world grieves these deaths, yesterday's disaster of American Airlines Flight 587 increases our grief even still. Flight 587 took the lives of at least 262 people when it crashed into the New York section of Rockaway, Queens just three minutes after taking off from John F. Kennedy International Airport en route to Santo Domingo, Dominican Republic. While the preliminary investigation is

being treated as an accident, this tragedy, like that of September 11, 2001, remind us of the fragility of human life and the need to maintain our efforts to strengthen our airline security efforts. So as we all pray for those of September 11, 2001, America and the world also pray for the victims and families of American Airlines Flight 587.

We must remember the victims. But perhaps the greatest victims of September 11, 2001 are the yet-to-be counted children who's parents or guardians never came home on September 11, 2001, and never will.

Today, two months after the tragedies, estimates of the numbers of children impacted vary greatly. Unofficial estimates place the number between 10,000, based on various news sources and cited several weeks ago on National Public Radio by Senator HILLARY RODHAM CLINTON, and 15,000, cited in an editorial in the Times on Sept. 26, 2001. We do know that 4,000 children qualify as ''orphans'' under the Twin Towers Orphan Fund, and some 1,500 children were left by the 700 missing Canter Fitzgerald employees alone. Dennis Buckley of Lynbrook, a successful broker at Cantor Fitzgerald, left three little girls—Mary Kate, 6, Megan, 4, and Michele, 20 months.

Daniel Harlin, 41, a Manhattan firefighter who lived in Kent in Putnam County, left behind his wife and their three children, aged 9, 7, and 2. So whatever the official numbers are, as Mayor Rudolph W. Giuliani correctly noted, these numbers are simply ''more than any of us can bear.''

As chair of the Congressional Children's Caucus, I call on Congress to recognize the uncounted victims of these tragedies: the children. Their slain parents and guardians were the passengers and crew of Flight 77, Flight 11, Flight 93, and Flight 175. They served our great Nation at the Pentagon, both as civilians and military, and they were the thousands of innocent civilians and rescue workers killed or injured at the World Trade Center on September 11, 2001.

My resolution before us today, H. Con. Res. 228, addresses this great need. It expresses the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging Federal, State, or local agencies responsible for providing such assistance, services, and benefits to move expeditiously in providing such assistance, services and benefits to those children.

This resolution is non-controversial. It expedites the delivery of benefits currently available under federal law to children who have lost their parent(s) or guardian in this horrific tragedy. Those benefits should include: (1) foster care assistance; (2) adoption assistance; (3) medical, nutritional, and psychological care; (4) educational services; and (5) such additional care or services as may be necessary in light of this tragedy.

Additionally, we urge such agencies, to act without delay and to the maximum extent possible, to take such steps as necessary to ensure that such assistance, services and benefits are provided within 60 days of the date of the determination of the death of the child's parent or guardian.

Much of the funds that would be utilized for services in this legislation would come from the Social Security block grant (SSBG). The SSBG is a flexible source of funds that states may use to support a wide variety of social services activities.

In FY 1999, the largest expenditures for services under the SSBG were for child day care, foster care for children, and prevention and intervention services.

There are no federal eligibility criteria for SSBG participants. Thus, states have total discretion to set their own eligibility criteria (with exception of the welfare reform law's income limit of 200% of poverty for recipients of services funded by TANF allotments that are transferred to SSBG). States also have wide discretion over the use of these funds. Federal law establishes the following broad goals toward which social services must be directed:

Achieving or maintaining economic self-support to prevent, reduce, or eliminate delinquency;

Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families;

Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and

Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

Federal law also provides the following examples of social services that may relate to these broad goals:

Child care, protective services for children and adults, services for children and adults in foster care, health support services, and services to meet special needs of children, aged, mentally retarded, blind, emotionally disturbed, physically handicapped, alcoholics and drug addicts.

H. Con. Res. 228 would express to the States that these funds be expeditiously distributed to the proper agencies so that needed services for the children who lost parents or a guardian during the attacks of September 11 may be rendered.

Mr. Speaker, this resolution is greatly needed now.

FOSTER CARE AND ADOPTION SERVICES

These services are crucial to any child who has lost their parent(s) or guardian. The importance of providing such services expeditiously cannot be underestimated, particularly in light of compounding emotional trauma endured by these children.

At a recent Congressional Children's Caucus briefing held on October 12th, 2001, Cindy Freidmutter, Executive Director of the Evan B. Donaldson Adoption Institute in New York spoke to this issue. She noted that after September 11, the Adoption Institute proposed the Permanency Project to minimize further trauma and uncertainty in the lives of children who lost one or both parents in the attacks.

This project is needed due to the uncertain future faced by children who have lost their parent(s) or guardian. For many of these children, extended family members become decision-makers and permanent caregivers for these children. Some children, however, may not have a relative or friend to assume parental responsibility and eventually enter the public welfare system. Other children find themselves moved around from relative to relative.

Best practices and research in the fields of adoption and child welfare dictate that two considerations should be paramount in offering crisis services to these children and their families/caregivers. First, it is critical to quickly institute and support a stable family structure because repeated changes in caregivers for displaced children can cause irreparable harm. Second, children who have lost their parent benefit by having a permanent caregiver who is a family member or close family friend, and when possible, it is beneficial for such children to remain with their siblings. Separation from remaining biological family members can cause these children significant additional trauma.

This resolution recognizes these needs, and to the greatest extent possible, provides for services that best serve these children.

MEDICAL AND NUTRITIONAL SERVICES

Without a parent or guardian to provide regular medical and nutritional services, children face worsening situations still. This resolution helps to ensure that such services are available.

PSYCHOLOGICAL SERVICES

According to the National Mental Health Association, children who experience such trauma are at extreme risk of mental disorders, particularly in situations such as this, where ongoing trauma exists due to the loss of parents or a guardian. For example, children who lost a parent in the Bosnian War still experience chronic depression, post traumatic stress disorder, and grief, even years after the Bosnian War ended. These children have been further deprived of a normal grieving process due to difficult and painful thoughts in the way in which their loved one died. As a result, these children needed and continue to need intensive and long-term mental health services.

Importantly, the trauma that the Bosnian War children endured closely parallels that of the children who lost parents or a guardian in the September 11, 2001 tragedies because the circumstances and violence of the loss is analogous.

The combination of witnessing and experiencing traumatic events and multiple environmental and family factors further contributes to various mental health problems. Statistics indicate that only one in five children with a serious emotional disturbance receive mental health speciality services. That's why I introduced H.R. 75, the Give a Kid a Chance Omnibus Mental Health Services Act of 2001 to promote mental health among all children and their families and to provide early intervention services to ameliorate identified mental health problems in children and adolescents. This legislation is greatly needed, but the resolution before us today, H. Con. Res. 228, effectively addresses the issue of mental health in our children in light of these tragedies.

Mental health is indispensable to personal well-being, family and interpersonal relationships, and contribution to community or society. This resolution recognizes the need for such services and helps to make them available.

EDUCATIONAL SERVICES

Clearly, children displaced from their homes, communities, and families must be stabilized as soon as possible, before further damage is done. One of the most important factors in providing such stability immediately, and in preventing further de-stabilization is maintaining the level of education that existed prior to the loss of the parent(s) or guardian. This resolution helps provide for such services.

OTHER SERVICES

Finally, other services may be deemed appropriate in light of the situation as it progresses. While it is impossible to anticipate and enumerate every conceivable situation calling for the need for such services, this resolution recognizes the need for common sense and discretion in determining what services are needed given the particular situation as it applies to children.

UPDATE ON MR. CALDERON AND HIS CHILDREN

Mr. Calderon is 39 years old and moved to New York City from the Dominican Republic 7 years ago. He and his children currently reside in the Washington Heights neighborhood of Manhattan.

At an October 12 briefing sponsored by the Congressional Children's Caucus, Mr. Calderon spoke about his wife Lizie Martinez-Calderon, who is still missing from the attack at the World Trade Center.

Lizie was employed with Aon Financial Group, which was located on the 100th floor of Tower 2. They were married in 1996.

The Calderons have two young children, Naomi, 4 years old, and Neftali, 20 months. Mr. Calderon is a school bus driver, but was forced to take a leave of absence in order to care for his children.

As a result of that briefing, which included a panel of experts whose agencies deliver services to families, Mr. Calderon is now able to provide for his children. The American Red Cross, with the personal assistance of Ron Houle, presented Mr. Calderon with 2 months rent, and will be providing food and winter clothes for his children shortly. Mr. Calderon is also expecting financial assistance from the Red Cross to help with living expenses and to help secure a future for his children. Because of this greatly needed assistance, Mr. Calderon is able to return to his job in a few weeks.

AFGHAN CHILDREN

While H. Con. Res. 228 specifically speaks on the children who lost parents during the September 11 attacks, there are millions of children in Afghanistan who will lose a father and/or mother as a result of the War Against Terrorism. A generation of Afghan children is at risk. We cannot forget these children and they will be the focus on an upcoming briefing cosponsored by the Children's Caucus.

As Members of Congress, we bear the great burden of providing and protecting these children. This is perhaps our greatest and most sacred responsibility. So today I urge us all to come together as parents, as leaders, and as Americans to provide these children with the services and benefits that they so desperately need and are entitled to.

Let us pass H. Con. Res. 228, the Put Our Children First Resolution of 2001 because children are our first and greatest responsibility. May God bless the Children, and may God bless the United States of America.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 228, 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.

Ms. JACKSON-LEE of Texas. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on questions postponed earlier today.

Votes will be taken in the following order:

H.R. 2330, by the yeas and nays;

H.R. 2541, by the yeas and nays.

Any other questions postponed today will remain postponed until tomorrow.

Under clause 8 of rule XX, the filing of the conference report on H.R. 2500 has vitiated the motion to instruct conferees offered by the gentleman from California (Mr. ROHRABACHER), which was debated on Thursday, November 8, 2001, and on which further proceedings were postponed.

The Chair will reduce to a minimum of 5 minutes the time for electronic voting on the second vote in this series.

CONFERENCE REPORT ON H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2330, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

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

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

The vote was taken by electronic device, and there were—yeas 379, nays 33, not voting 20, as follows:

[Roll No. 436]

YEAS—379

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
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
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
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 (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)

Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Sherman
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
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—33

Akin
Baldwin
Barrett
Bass
Chabot
Crane
Davis, Tom
Doggett
Flake
Green (WI)
Gutknecht
Hefley
Hostettler
Israel
Johnson, Sam
Kerns
Kind (WI)
McDermott
Menendez
Miller, Gary
Paul
Petri
Pitts
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Shays
Tancredo
Taylor (NC)
Toomey
Weldon (FL)

NOT VOTING—20

Cox
Cubin
Filner
Gillmor
Goss
Graham
Hastings (FL)
Hulshof
Johnson, E. B.
Lewis (GA)
Lucas (OK)
Mascara
Mink
Napolitano
Reyes
Sherwood
Stark
Watts (OK)
Weiner
Wexler

□ 1857

Messrs. WELDON of Florida, BARRETT of Wisconsin, and AKIN changed their vote from ''yea'' to ''nay.''

Mr. GEORGE MILLER of California and Ms. SLAUGHTER changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 436, I was in my Congressional District on official business. Had I been present, I would have voted ''yea.''

ENHANCED PROTECTIVE ACTIVITIES ACT OF 2001

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of suspending the rules and passing the bill, H.R. 2541, 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. 2541, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 437]

YEAS—410

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
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
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
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)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
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, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
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)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Cox
Cubin
Davis, Tom
Filner
Fossella
Gillmor
Goss
Graham
Hastings (FL)
Hoyer
Hulshof
Lewis (GA)
Lucas (OK)
Mascara
Mink
Napolitano
Reyes
Sherwood
Stark
Watts (OK)
Weiner
Wexler

□ 1910

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. FILNER. Mr. Speaker, on rollcall No. 437, I was in my Congressional District on official business. Had I been present, I would have voted ''yea.''

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–287) on the resolution (H. Res. 286) waiving points of order against the conference report to accompany the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2779

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 2779.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

PROMOTING SAFE AND STABLE FAMILIES AMENDMENTS OF 2001

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2873) to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes, as amended.

The Clerk read as follows:

H. R. 2973

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 ''Promoting Safe and Stable Families Amendments of 2001''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
TITLE I—PROMOTING SAFE AND STABLE FAMILIES
Subtitle A—Grants to States for Promoting Safe and Stable Families
Sec. 101. Findings and purpose.
Sec. 102. Definition of family support services.
Sec. 103. Reallotments.
Sec. 104. Payments to States.
Sec. 105. Evaluations, research, and technical assistance.
Sec. 106. Authorization of appropriations; reservation of certain amounts.
Sec. 107. State court improvements.
Subtitle B—Mentoring Children of Prisoners
Sec. 121. Program authorized.
TITLE II—FOSTER CARE AND INDEPENDENT LIVING
Sec. 201. Educational and training vouchers for youths aging out of foster care.
Sec. 202. Reallocation and extension of funds.
TITLE III—EFFECTIVE DATE
Sec. 301. Effective date.

SEC. 3. REFERENCES.

Except as otherwise specified in this Act, an amendment made by this Act to a section or other provision shall be considered an amendment to the section or other provision of the Social Security Act.

TITLE I—PROMOTING SAFE AND STABLE FAMILIES

Subtitle A—Grants to States for Promoting Safe and Stable Families

SEC. 101. FINDINGS AND PURPOSE.

Section 430 (42 U.S.C. 629) is amended to read as follows:

''SEC. 430. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The Congress finds that there is a continuing urgent need to protect children and to strengthen families as demonstrated by the following:

''(1) Family support programs directed at specific vulnerable populations have had positive effects on parents, children, or both. The vulnerable populations for which programs have been shown to be effective include teenage mothers with very young children and families that have children with special needs.

''(2) Family preservation programs have been shown to provide extensive and intensive services to families in crisis.

''(3) The time lines established by the Adoption and Safe Families Act of 1997 have made the prompt availability of services to address family problems (and in particular the prompt availability of appropriate services and treatment addressing substance abuse) an important factor in successful family reunification.

''(4) The rapid increases in the annual number of adoptions since the enactment of the Adoption and Safe Families Act of 1997 have created a growing need for postadoption services and for service providers with the particular knowledge and skills required to address the unique issues adoptive families and children may face.

''(b) PURPOSE.—The purpose of this program is to enable States to develop and establish, or expand, and to operate coordinated programs of community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services to accomplish the following objectives:

''(1) To prevent child maltreatment among families at risk through the provision of supportive family services.

''(2) To assure children's safety within the home and preserve intact families in which children have been maltreated, when the family's problems can be addressed effectively.

''(3) To address the problems of families whose children have been placed in foster care so that reunification may occur in a safe and stable manner in accordance with the Adoption and Safe Families Act of 1997.

''(4) To support adoptive families by providing support services as necessary so that they can make a lifetime commitment to their children.''.

SEC. 102. DEFINITIONS.

(a) INCLUSION OF INFANT SAFE HAVEN PROGRAMS AMONG FAMILY PRESERVATION SERVICES.—Section 431(a)(1) (42 U.S.C. 629a(a)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following:

''(F) infant safe haven programs to provide a way for a parent to safely relinquish a newborn infant at a safe haven designated pursuant to a State law.''.

(b) FAMILY SUPPORT SERVICES.—Section 431(a)(2) (42 U.S.C. 629a(a)(2)) is amended by inserting ''to strengthen parental relationships and promote healthy marriages,'' after ''environment,''.

SEC. 103. REALLOTMENTS.

Section 433 (42 U.S.C. 629c) is amended by adding at the end the following:

''(d) REALLOTMENTS.—The amount of any allotment to a State under this section for any fiscal year that the State certifies to the Secretary will not be required for carrying out the State plan under section 432 shall be available for reallotment using the allotment methodology specified in this section. Any amount so reallotted to a State is deemed part of the allotment of the State under the preceding provisions of this section.''.

SEC. 104. PAYMENTS TO STATES.

(a) IN GENERAL.—Section 434(a) (42 U.S.C. 629d(a)) is amended—

(1) by striking paragraph (2);

(2) by striking all that precedes subparagraph (A) of paragraph (1) and inserting the following:

''(a) ENTITLEMENT.—Each State that has a plan approved under section 432 shall be entitled to payment of the lesser of—''; and

(3) by redesignating subparagraphs (A) and (B) of paragraph (1) as paragraphs (1) and (2), respectively, and by indenting the provisions 2 ems to the left.

(b) CONFORMING AMENDMENTS.—Section 434(b) (42 U.S.C. 629d(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (1) or (2)(B) of''; and

(B) by striking ''described in this subpart'' and inserting ''under the State plan under section 432''; and

(2) in paragraph (2), by striking ''subsection (a)(1)'' and inserting ''subsection (a)''.

SEC. 105. EVALUATIONS, RESEARCH, AND TECHNICAL ASSISTANCE.

Section 435 (42 U.S.C. 629e) is amended—

(1) by striking all that precedes ''the effectiveness'' in paragraph (1) of subsection (a), including the heading for section 435 and the caption for subsection (a), and inserting the following:

''SEC. 435. EVALUATIONS; RESEARCH; TECHNICAL ASSISTANCE.

''(a) EVALUATIONS.—

''(1) IN GENERAL.—The Secretary shall evaluate and report to the Congress biennially on'';

(2) by adding at the end of subsection (a) the following:

''(3) TIMING OF REPORT.—Beginning in 2003, the Secretary shall submit the biennial report required by this subsection not later than April 1 of every other year, and shall include in each such report the funding level, the status of ongoing evaluations, findings to date, and the nature of any technical assistance provided to States under subsection (d).''; and

(3) by adding at the end the following:

''(c) RESEARCH.—The Secretary shall give priority consideration to the following topics for research and evaluation under this subsection, using rigorous evaluation methodologies where feasible:

''(1) Promising program models in the service categories specified in section 430(b), particularly time-limited reunification services and postadoption services.

''(2) Multi-disciplinary service models designed to address parental substance abuse and to reduce its impacts on children.

''(3) The efficacy of approaches directed at families with specific problems and with children of specific age ranges.

''(4) The outcomes of adoptions finalized after enactment of the Adoption and Safe Families Act of 1997.

''(d) TECHNICAL ASSISTANCE.—To the extent funds are available therefor, the Secretary shall provide technical assistance that helps States and Indian tribes to—

''(1) develop research-based protocols for identifying families at risk of abuse and neglect of use in the field;

''(2) develop treatment models that address the needs of families at risk, particularly families with substance abuse issues;

''(3) implement programs with well-articulated theories of how the intervention will result in desired changes among families at risk;

''(4) establish mechanisms to ensure that service provision matches the treatment model; and

''(5) establish mechanisms to ensure that postadoption services meet the needs of the individual families and develop models to reduce the disruption rates of adoption.''.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

(a) MANDATORY FUNDING.—

(1) IN GENERAL.—Subpart 2 of part B of title IV (42 U.S.C. 629–629e) is amended by adding at the end the following:

''SEC. 436. AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

''(a) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this subpart $305,000,000 for each of fiscal years 2002 through 2006.

''(b) RESERVATION OF CERTAIN AMOUNTS.—From the amount specified in subsection (a) for a fiscal year, the Secretary shall reserve amounts as follows:

''(1) EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall reserve $6,000,000 for expenditure by the Secretary—

''(A) for research, training, and technical assistance costs related to the program under this subpart; and

''(B) for evaluation of State programs based on the plans approved under section 432 and funded under this subpart, and any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as the State programs.

''(2) STATE COURT IMPROVEMENTS.—The Secretary shall reserve $10,000,000 for grants under section 438.

''(3) INDIAN TRIBES.—The Secretary shall reserve 1 percent for allotment to Indian tribes in accordance with section 433(a).''.

(2) CONFORMING AMENDMENTS.—Section 433 (42 U.S.C. 629c) is amended—

(A) in subsection (a), by striking ''section 430(d)(3)'' and inserting ''section 436(b)(3)'';

(B) in subsection (b)—

(i) by striking ''section 430(b)'' and inserting ''section 436(a)''; and

(ii) by striking ''section 430(d)'' and inserting ''section 436(b)''; and

(C) in subsection (c)(1)—

(i) by striking ''section 430(b)'' and inserting ''section 436(a)''; and

(ii) by striking ''section 430(d)'' and inserting ''section 436(b)''.

(b) DISCRETIONARY FUNDING.—Subpart 2 of part B of title IV (42 U.S.C. 629–629e) is further amended by adding at the end the following:

''SEC. 437. DISCRETIONARY GRANTS.

''(a) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In addition to any amount appropriated pursuant to section 436, there are authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2002 through 2006.

''(b) RESERVATION OF CERTAIN AMOUNTS.—From the amount (if any) appropriated pursuant to subsection (a) for a fiscal year, the Secretary shall reserve amounts as follows:

''(1) EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall reserve 3.3 percent for expenditure by the Secretary for the activities described in section 436(b)(1).

''(2) STATE COURT IMPROVEMENTS.—The Secretary shall reserve 3.3 percent for grants under section 438.

''(3) INDIAN TRIBES.—The Secretary shall reserve 2 percent for allotment to Indian tribes in accordance with subsection (c)(1).

''(c) ALLOTMENTS.—

''(1) INDIAN TRIBES.—From the amount (if any) reserved pursuant to subsection (b)(3) for any fiscal year, the Secretary shall allot to each Indian tribe with a plan approved under this subpart an amount that bears the same ratio to such reserved amount as the number of children in the Indian tribe bears to the total number of children in all Indian tribes with State plans so approved, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary.

''(2) TERRITORIES.—From the amount (if any) appropriated pursuant to subsection (a) for any fiscal year that remains after applying subection (b) for the fiscal year, the Secretary shall allot to each of the jurisdictions of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa an amount determined in the same manner as the allotment to each of such jurisdictions is determined under section 421.

''(3) OTHER STATES.—From the amount (if any) appropriated pursuant to subsection (a) for any fiscal year that remains after applying subsection (b) and paragraph (2) of this subsection for the fiscal year, the Secretary shall allot to each State (other than an Indian tribe) which is not specified in paragraph (2) of this subsection an amount equal to such remaining amount multiplied by the food stamp percentage (as defined in section 433(c)(2)) of the State for the fiscal year.

''(d) GRANTS.—The Secretary may make a grant to a State which has a plan approved under this subpart in an amount equal to the lesser of—

''(1) 75 percent of the total expenditures by the State for activities under the plan during the fiscal year or the immediately succeeding fiscal year; or

''(2) the allotment of the State under subsection (c) for the fiscal year.

''(e) APPLICABILITY OF CERTAIN RULES.—The rules of subsections (b) and (c) of section 434 shall apply in like manner to the amounts made available pursuant to this section.''.

SEC. 107. STATE COURT IMPROVEMENTS.

(a) SCOPE OF ACTIVITIES.—Section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) to implement improvements the highest state courts deem necessary as a result of the assessments, including—

''(A) to provide for the safety, well-being, and permanence of children in foster care, as set forth in the Adoption and Safe Families Act of 1997 (Public Law 105–89); and

''(B) to implement a corrective action plan, as necessary, resulting from reviews of child and family service programs under section 1123A of this Act.''; and

(2) in subsection (c)(1), in the matter preceding subparagraph (A), by inserting ''and improvement'' after ''assessment''.

(b) ALLOTMENTS.—Section 13712(c)(1) of such Act (42 U.S.C. 670 note) is amended by striking all that follows ''shall be entitled to payment,'' and inserting ''for each of fiscal years 2002 through 2006, from the amount reserved pursuant to section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2)), of an amount equal to the sum of $85,000 plus the amount described in paragraph (2) of this subsection for the fiscal year.''.

(c) FEDERAL SHARE.—Section 13712(d) of such Act (42 U.S.C. 670 note) is amended—

(1) in the heading, by striking ''USE OF GRANT FUNDS'' and inserting ''FEDERAL SHARE''; and

(2) by striking ''to pay—'' and all that follows and inserting ''to pay not more than 75 percent of the cost of activities under this section in each of fiscal years 2002 through 2006.''.

(d) CONFORMING AMENDMENTS.—Section 13712 of such Act (42 U.S.C. 670 note) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''of title IV of the Social Security Act''; and

(B) in paragraph (1)(A), by striking ''of title IV of such Act''; and

(2) in subsection (c)(2), by striking ''section 430(d)(2) of the Social Security Act'' and inserting ''section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2))''.

(e) TRANSFER AND REDESIGNATION.—Section 13712 of such Act (42 U.S.C. 670 note), as amended by the preceding provisions of this section, is redesignated as section 438 and is transferred to the end of subpart 2 of part B of title IV of the Social Security Act.

Subtitle B—Mentoring Children of Prisoners

SEC. 121. PROGRAM AUTHORIZED.

Subpart 2 of part B of title IV (42 U.S.C. 629–629e) is further amended by adding at the end the following:

''SEC. 439. GRANTS FOR PROGRAMS FOR MENTORING CHILDREN OF PRISONERS.

''(a) FINDINGS AND PURPOSE.—

''(1) FINDINGS.—

''(A) In the period between 1991 and 1999, the number of children with a parent incarcerated in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. In 1999, 2.1 percent of all children in the United States had a parent in Federal or State prison.

''(B) Prior to incarceration, 64 percent of female prisoners and 44 percent of male prisoners in State facilities lived with their children.

''(C) Nearly 90 percent of the children of incarcerated fathers live with their mothers, and 79 percent of the children of incarcerated mothers live with a grandparent or other relative.

''(D) Parental arrest and confinement lead to stress, trauma, stigmatization, and separation problems for children. These problems are coupled with existing problems that include poverty, violence, parental substance abuse, high-crime environments, intrafamilial abuse, child abuse and neglect, multiple care givers, and/or prior separations. As a result, these children often exhibit a broad variety of behavioral, emotional, health, and educational problems that are often compounded by the pain of separation.

''(E) Empirical research demonstrates that mentoring is a potent force for improving children's behavior across all risk behaviors affecting health. Quality, one-on-one relationships that provide young people with caring role models for future success have profound, life-changing potential. Done right, mentoring markedly advances youths' life prospects. A widely cited 1995 study by Public/Private Ventures measured the impact of one Big Brothers Big Sisters program and found significant effects in the lives of youth—cutting first-time drug use by almost half and first-time alcohol use by about a third, reducing school absenteeism by half, cutting

assaultive behavior by a third, improving parental and peer relationships, giving youth greater confidence in their school work, and improving academic performance.

''(2) PURPOSE.—The purpose of this section is to authorize the Secretary to make competitive grants to applicants in areas with substantial numbers of children of incarcerated parents, to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring services for children of prisoners.

''(b) DEFINITIONS.—In this section:

''(1) CHILDREN OF PRISONERS.—The term 'children of prisoners' means children one or both of whose parents are incarcerated in a Federal, State, or local correctional facility. The term is deemed to include children who are in an ongoing mentoring relationship in a program under this section at the time of their parents' release from prison, for purposes of continued participation in the program.

''(2) MENTORING.—The term 'mentoring' means a structured, managed program in which children are appropriately matched with screened and trained adult volunteers for one-on-one relationships, involving meetings and activities on a regular basis, intended to meet, in part, the child's need for involvement with a caring and supportive adult who provides a positive role model.

''(3) MENTORING SERVICES.—The term 'mentoring services' means those services and activities that support a structured, managed program of mentoring, including the management by trained personnel of outreach to, and screening of, eligible children; outreach to, education and training of, and liaison with sponsoring local organizations; screening and training of adult volunteers; matching of children with suitable adult volunteer mentors; support and oversight of the mentoring relationship; and establishment of goals and evaluation of outcomes for mentored children.

''(c) PROGRAM AUTHORIZED.—From the amounts appropriated under subsection (h) for a fiscal year that remain after applying subsection (h)(2), the Secretary shall make grants under this section for each of fiscal years 2002 through 2006 to State or local governments, tribal governments or tribal consortia, faith-based organizations, and community-based organizations in areas that have significant numbers of children of prisoners and that submit applications meeting the requirements of this section, in amounts that do not exceed $5,000,000 per grant.

''(d) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, the chief executive officer of the applicant must submit to the Secretary an application containing the following:

''(1) PROGRAM DESIGN.—A description of the proposed program, including—

''(A) a list of local public and private organizations and entities that will participate in the mentoring network;

''(B) the name, description, and qualifications of the entity that will coordinate and oversee the activities of the mentoring network;

''(C) the number of mentor-child matches proposed to be established and maintained annually under the program;

''(D) such information as the Secretary may require concerning the methods to be used to recruit, screen support, and oversee individuals participating as mentors, (which methods shall include criminal background checks on the individuals), and to evaluate outcomes for participating children, including information necessary to demonstrate compliance with requirements established by the Secretary for the program; and

''(E) such other information as the Secretary may require.

''(2) COMMUNITY CONSULTATION; COORDINATION WITH OTHER PROGRAMS.—A demonstration that, in developing and implementing the program, the applicant will, to the extent feasible and appropriate—

''(A) consult with public and private community entities, including religious organizations, and including, as appropriate, Indian tribal organizations and urban Indian organizations, and with family members of potential clients;

''(B) coordinate the programs and activities under the program with other Federal, State, and local programs serving children and youth; and

''(C) consult with appropriate Federal, State, and local corrections, workforce development, and substance abuse and mental health agencies.

''(3) EQUAL ACCESS FOR LOCAL SERVICE PROVIDERS.—An assurance that public and private entities and community organizations, including religious organizations and Indian organizations, will be eligible to participate on an equal basis.

''(4) RECORDS, REPORTS, AND AUDITS.—An agreement that the applicant will maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

''(5) EVALUATION.—An agreement that the applicant will cooperate fully with the Secretary's ongoing and final evaluation of the program under the plan, by means including providing the Secretary access to the program and program-related records and documents, staff, and grantees receiving funding under the plan.

''(e) FEDERAL SHARE.—

''(1) IN GENERAL.—A grant for a program under this section shall be available to pay a percentage share of the costs of the program up to—

''(A) 75 percent for the first and second fiscal years for which the grant is awarded; and

''(B) 50 percent for the third and each succeeding such fiscal years.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of projects under this section may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

''(f) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section, the Secretary shall take into consideration—

''(1) the qualifications and capacity of applicants and networks of organizations to effectively carry out a mentoring program under this section;

''(2) the comparative severity of need for mentoring services in local areas, taking into consideration data on the numbers of children (and in particular of low-income children) with an incarcerated parents (or parents) in the areas;

''(3) evidence of consultation with existing youth and family service programs, as appropriate; and

''(4) any other factors the Secretary may deem significant with respect to the need for or the potential success of carrying out a mentoring program under this section.

''(g) EVALUATION.—The Secretary shall conduct an evaluation of the programs conducted pursuant to this section, and submit to the Congress not later than April 15, 2005, a report on the findings of the evaluation.

''(h) AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.—

''(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $67,000,000 for each of fiscal years 2002 and 2003, and such sums as may be necessary for each succeeding fiscal year.

''(2) RESERVATION.—The Secretary shall reserve 2.5 percent of the amount appropriated for each fiscal year under paragraph (1) for expenditure by the Secretary for research, technical assistance, and evaluation related to programs under this section.''.

TITLE II—FOSTER CARE AND INDEPENDENT LIVING

SEC. 201. EDUCATIONAL AND TRAINING VOUCHERS FOR YOUTHS AGING OUT OF FOSTER CARE.

(a) PURPOSE.—Section 477(a) (42 U.S.C. 677(a)) 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 ''; and''; and

(3) by adding at the end the following new paragraph:

''(6) to make available vouchers for education and training, including postsecondary training and education, to youths who have aged out of foster care.''.

(b) EDUCATIONAL AND TRAINING VOUCHERS.—Section 477 (42 U.S.C. 677) is amended by adding at the end the following:

''(i) EDUCATIONAL AND TRAINING VOUCHERS.—The following conditions shall apply to a State educational and training voucher program under this section:

''(1) Vouchers under the program may be available to youths otherwise eligible for services under the State program under this section.

''(2) For purposes of the voucher program, youths adopted from foster care after attaining age 16 may be considered to be youths otherwise eligible for services under the State program under this section.

''(3) The State may allow youths participating in the voucher program on the date they attain 21 years of age to remain eligible until they attain 23 years of age, as long as they are enrolled in a postsecondary education or training program and are making satisfactory progress toward completion of that program.

''(4) The voucher or vouchers provided for an individual under this section—

''(A) may be available for the cost of attendance at an institution of higher education, as defined in section 102 of the Higher Education Act of 1965; and

''(B) shall not exceed the lesser of $5,000 per year or the total cost of attendance, as defined in section 472 of that Act.

''(5) The amount of a voucher under this section may be disregarded for purposes of determining the recipient's eligibility for, or the amount of, any other Federal or Federally supported assistance, except that the total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs shall not exceed the total cost of attendance, as defined in section 472 of the Higher Education Act of 1965, and except that the State agency shall take appropriate steps to prevent duplication of benefits under this and other Federal or Federally supported programs.

''(6) The program is coordinated with other appropriate education and training programs.''.

(c) CERTIFICATION.—Section 477(b)(3) (42 U.S.C. 677(b)(3)) is amended by adding at the end the following:

''(J) A certification by the chief executive officer of the State that the State educational and training voucher program under this section is in compliance with the conditions specified in subsection (i), including a statement describing methods the State will use—

''(i) to ensure that the total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs does not exceed the limitation specified in subsection (i)(5); and

''(ii) to avoid duplication of benefits under this and any other Federal or Federally assisted benefit program.''.

(d) INCREASED AUTHORIZATIONS OF APPROPRIATIONS.—Section 477(h) (42 U.S.C. 677(h)) is amended by striking ''there are authorized'' and all that follows and inserting the following: ''there are authorized to be appropriated to the Secretary for each fiscal year—

''(1) $140,000,000, which shall be available for all purposes under this section; and

''(2) an additional $60,000,000, which are authorized to be available for payments to States for education and training vouchers for youths who age out of foster care, to assist the youths to develop skills necessary to lead independent and productive lives.''.

(e) ALLOTMENTS TO STATES.—Section 477(c) (42 U.S.C. 677(c)) is amended—

(1) in paragraph (1)—

(A) by striking ''(1) IN GENERAL.—From the amount specified in subsection (h)'' and inserting ''(1) GENERAL PROGRAM ALLOTMENT.—From the amount specified in subsection (h)(1)'';

(B) by striking ''which bears the same ratio'' and inserting ''which bears the ratio''; and

(C) by striking ''as the number of children in foster care'' and all that follows and inserting ''equal to the State foster care ratio, as adjusted in accordance with paragraph (2).''; and

(2) by adding at the end the following new paragraphs:

''(3) VOUCHER PROGRAM ALLOTMENT.—From the amount, if any, appropriated pursuant to subsection (h)(2) for a fiscal year, the Secretary may allot to each State with an application approved under subsection (b) for the fiscal year an amount equal to the State foster care ratio multiplied by the amount so specified.

''(4) STATE FOSTER CARE RATIO.—In this subsection, the term 'State foster care ratio' means the ratio of the number of children in foster care under a program of the State in the most recent fiscal year for which the information is available to the total number of children in foster care in all States for the most recent fiscal year.''.

(f) PAYMENTS TO STATES.—

(1) IN GENERAL.—Section 474(a)(4) (42 U.S.C. 674(a)(4)) is amended to read as follows:

''(4) an amount equal to the amount (if any) by which—

''(A) the lesser of—

''(i) 80 percent of the amounts expended by the State during the fiscal year in which the quarter occurs to carry out programs in accordance with the State application approved under section 477(b) for the period in which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); or

''(ii) the amount allotted to the State under section 477(c)(1) for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year; exceeds

''(B) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs.''.

(2) DISCRETIONARY GRANTS.—Section 474 (42 U.S.C. 674) is amended by adding at the end the following:

''(e) DISCRETIONARY GRANTS FOR EDUCATIONAL AND TRAINING VOUCHERS FOR YOUTHS AGING OUT OF FOSTER CARE.—From amounts appropriated pursuant to section 477(h)(2), the Secretary may make a grant to a State with a plan approved under this part, for a calendar quarter, in an amount equal to the lesser of—

''(1) 80 percent of the amounts expended by the State during the quarter to carry out programs for the purposes described in section 477(a)(6); or

''(2) the amount, if any, allotted to the State under section 477(c)(3) for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this subsection for such purposes for all prior quarters in the fiscal year.''.

SEC. 202. REALLOCATION AND EXTENSION OF FUNDS.

(a) REALLOCATION OF UNUSED FUNDS.—Section 477(d) (42 U.S.C. 677(d)) is amended by adding at the end the following:

''(4) REALLOCATION OF UNUSED FUNDS.—If a State does not apply for funds under this section for a fiscal year within such time as may be provided by the Secretary, the funds to which the State would be entitled for the fiscal year shall be reallocated to 1 or more other States on the basis of their relative need for additional payments under this section, as determined by the Secretary.''.

(b) TEMPORARY EXTENSION OF AVAILABILITY OF INDEPENDENT LIVING FUNDS.—Notwithstanding section 477(d)(3) of the Social Security Act, payments made to a State under section 477 of such Act for fiscal year 2000 shall remain available for expenditure by the State through fiscal year 2002.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under subpart 2 of part B or part E of the Social Security Act that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments specified in subsection (a) of this section, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet the additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore (Mr. OTTER). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

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

Mr. Speaker, it is with great pleasure that I bring to the floor today H.R. 2873, the Promoting Safe and Stable Families Amendments of 2001.

This legislation reauthorizes and increases by a total of $1 billion over 5 years Federal support for a broad range of services to support fragile families and prevent abuse and neglect of our Nation's children.

This legislation was first proposed by President Bush, and I am pleased that the version before us today authorizes the full amount of new funding the President sought.

As we work to reauthorize the promoting safe and stable families program, I have had the great fortune of meeting courageous people who share their love and their homes by adopting children with special needs.

I learned stories of personal triumph from young people thriving after a lifetime of bouncing from home to home in the foster care system.

I also learned of many of our colleagues here in the Congress who have opened their homes to foster and adopted children, and how their lives are better because of it.

□ 1915

In these times of national uncertainty, I am pleased to report that recent legislation changes, designed to better support abused and neglected children, are working. For example, since the signing of the Adoption and Safe Families Act of 1997, more than 133,000 children have been adopted from foster care. That is a 56 percent increase over the previous 3-year period.

Mr. Speaker, I include for the RECORD a recent Washington Post article describing how adoptions in Maryland and Virginia increased by 84 percent over the last 5 years.

The text of the article is as follows:

[From the Region, Sat., Nov. 3, 2001]

MD., VA. FOSTER-CARE ADOPTIONS UP

RISE IN FUNDING, CHANGE IN FEDERAL LAW CREDITED FOR INCREASE

(By Michael E. Ruane)

Maryland and Virginia officials yesterday announced substantial increases in the number of children who have been adopted from foster care over the last five years.

Maryland's Department of Human resources said there had been a 23 percent increase in the number of foster-care adoptions in the last year, and an 84 percent increase over the last five years.

Maryland officials said 852 children were adopted from foster care in fiscal 2001, an increase of 161 over the previous year.

This year's adoptions were almost double the state's 462 foster-care adoptions in 1996. The announcement was made to coincide with National Adoption Awareness Month this month.

Virginia said its foster-care adoptions rose from 291 in 1997 to 592 in 2001. Figures could not be obtained yesterday from the District.

The most dramatic increase in Maryland was in Baltimore, the officials said, where 514 adoptions were finalized this year, compared with 160 five years ago.

''These are good trends for us,'' said Stephanie Johnson Pettaway, adoption manager with the Maryland Human Resources' social services administration.

Officials from both states credited the federal Adoption and Safe Families Act of 1997 for much of the increases.

''This law has allowed more flexibility to improve adoption rates,'' said Charles Ingram, spokesman for the Virginia Department of Social Services. ''We've put a great effort into this.''

The act has also provided more money for the adoption process.

''That act mandated that some of the monies that went to states for foster care and child welfare services . . . be given to the states to be used specifically to increase and encourage the number of adoptions,'' Pettaway said.

''The money then helped to fuel some of the programs that we needed to do to move

adoptions,'' she said. Among other things, it helped pay private agencies that recruited adoptive parents and performed home studies, she said.

But adopting parents also played a vital role. Pettaway said she believes that lately there has been a renewed public interest in families, and a recognition that many children lack a family. She said there are also increasing numbers of parents who have already raised their children but still have the energy and the love to raise more.

''It's a fantastic feeling to just know that you've opened your home to some little folks,'' said Margurite Addison, 56, Pikesville, who, with her husband, William, 53, has adopted three foster children and is in the process of adopting a fourth. ''How can you not open your home?''

''This is love that you can see every day,'' she said, noting that she and her husband have raised six children of their own. ''It's a feeling that only an adoptive parent can'' explain.

As the article states, ''Officials from both States credited the Federal Adoption and Safe Families Act of 1997 for much of the increases.'' We have reason to be proud of the success of 1997 law and we must build on this momentum. That is what H.R. 2873 does.

Our legislation also authorizes two bipartisan priority initiatives sought by the President: first, a new mentoring program for the children of prisoners; and second, new education vouchers worth up to $5,000 per youth aging out of foster care. President Bush is to be commended for his vision in proposing such important and promising new initiatives.

Mr. Speaker, I also would like to thank my colleagues on the Committee on Ways and Means for their support in moving this legislation forward, that includes the gentleman from Maryland (Mr. CARDIN), the ranking member on the Subcommittee on Human Resources, who first joined me in introducing H.R. 2873 in September. I also thank my fellow Republican subcommittee members including the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Oklahoma (Mr. WATKINS), the gentleman from Michigan (Mr. CAMP) and the gentleman from Pennsylvania (Mr. ENGLISH), among many others who have taken a personal interest in moving this legislation forward.

But most of all, I commend the families and social service providers who work every day to protect children from harm and to provide loving and permanent homes for children. Their personal commitment to these children means more than any government program. It is my hope that passing this legislation today would serve to recognize the importance of their efforts and demonstrate our resolve to further strengthen families in the years to come.

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

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

Mr. CARDIN. Mr. Speaker, first let me thank the gentleman from California (Mr. HERGER) for his leadership on these issues and for bringing forward this legislation. The two of us have worked together in a bipartisan spirit in order to move legislation that is important for America's families.

Promoting Safe and Stable Families is a very important program. It deals with the most vulnerable families that we have in our community. These are children at risk, at risk of being put into foster care. This program has enjoyed strong bipartisan support because it protects the family unit; it protects our most vulnerable children.

I support this suspension, this bill, because we have already seen a 6-week expiration of this program. This program expired at the beginning of the fiscal year, and if we do not reauthorize it, the States would see an immediate reduction of Federal funds dedicated to these very important programs, including case worker oversight, substance abuse treatment, mental health services, respite care, domestic violence assistance and other related services.

Mr. Speaker, though I must express my real disappointment that this legislation does not include the full requests requested by President Bush and included in the budget resolution that was passed by the Congress, we had approved an additional $200 million a year for the next 5 years in the Safe and Stable Families Program, the legislation we are considering this evening does not provide for that $200 million increase.

As the gentleman from California (Mr. HERGER) properly pointed out, we authorize, but we do not include it under the basic guarantee to our States. That is not adequate.

I might say, on the tuition vouchers for children in foster care, the President also requested that we provide those funds. It was included in the budget, and we are not including it in the legislation before us. That is very unfortunate. We are talking about children who will not receive the services as a result of these additional funds not being made available. We estimate in 2002 alone 76,000 families would have benefited from that extra $200 million that will not be made available.

The gentleman from California (Mr. HERGER) also points out that we have authorized additional money. The problem is, our appropriators have already acted and they have only provided $70 million of the additional $327 million that the President requested. We had the ability in this legislation to make sure those funds were available and it was provided for in our budget resolution. We have should have done better.

There are some that say we can no longer afford this because of the September 11 tragedies. We do not want the terrorists to win. The terrorists should not prevent us from taking care of our families. We have already passed in this body legislation that would spend during this period $150 billion, primarily on tax relief. Cannot we afford, Mr. Speaker, another $1 billion for our children?

So although I support this legislation, it is important that we authorize the program, it is important that the funding continue to our local governments to provide these services. We should have done better. We should have done what the President asked us to do and with what our own budget resolution would have provided.

I hope, as this legislation make its way through the other body, that we will find the resolve to include the extra monies as a mandatory expenditure, as requested by the President, and that we can in fact live up to our commitment to America's families.

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

Mr. HERGER. Mr. Speaker, I would like to mention that we have authorized an increase for $1 billion over 5 years. The appropriators have already appropriated an additional $70 million dollars for this year; that is an increase that is larger than the last 4 years put together. So I do believe we are putting the dollars forward to ensure that these very important programs are funded.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania, Ms. HART.

Ms. HART. Mr. Speaker, how can we forget the story of the teenager in New Jersey who delivered a baby in a restroom, abandoned the child in a trash can and returned to her high school prom? Or perhaps you recall the new story of an infant discovered in a back yard and the infant was mauled by a hungry dog. In fact, in my district alone, three abandoned infants have been found this year, including one this last week. Fortunately, he was found alive and is recovering.

The Safe and Stable Families amendments include money to help inform young women that there are safe havens available. There are opportunities for them to avoid this tragedy, the death of an infant. It is impossible to know the exact number of infants who are abandoned each year, but media accounts remind us that this is a growing problem nationwide. Between 1991 and 1998, for example, the number of abandoned babies discovered nationwide almost doubled.

These young women are often scared and they hide their pregnancies out of this fear, and then they abandon their children, hoping someone will find them; or just abandon them out of fear, not thinking clearly. But in response to this problem many States, in fact 30, beginning with the State of Texas, enacted Safe Haven laws. These laws provide for an alternative for these young women, that they can leave their children somewhere safe, whether it is a

hospital or police station, without being prosecuted for abandonment.

This legislation throughout these States saves two lives. It saves the baby, Mr. Speaker, and also the young woman who is afraid and alone and not thinking clearly.

As of last week, as I mentioned, a total of 30 States have passed Safe Haven Laws as well, but many are considering Safe Haven laws as well. We must help on the Federal level to prevent this tragedy of newborn babies being abandoned or killed. Safe Haven laws encourage responsible behavior by these women, but these young women will not take advantage of them if they are not aware of them.

The Promoting Safe and Stable Families amendments allow the State to use some of their block grant money to help solve the problem of infant abandonment. This amendment would allow these States to use their block grants to fund public information campaigns and provide education and training to assist the States as they implement these new laws. This is similar to my legislation, H.R. 2018, the Safe Haven Support Act which has 76 co-sponsors of both parties.

Mr. Speaker, I commend the gentleman from California (Mr. HERGER) and the members of the committee for their work on this important issue, because it means, again, saving the baby's life but also saving the life of a young mother.

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

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH), a member of the subcommittee.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding me time. I especially want it thank the chairman of the subcommittee for his extraordinary efforts to move this legislation forward.

Mr. Speaker, President Kennedy once said, ''Every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated.'' That is not the case.

Mr. Speaker, across the United States thousands of children each day are abused and neglected. According to the most recent statistics, 826,000 children were the victims of neglect and abuse in 1999. That works out to about 12 children out of every 1,000. In Pennsylvania alone, more than 5,000 children each year are the victims of significant negligence or abuse.

If you think about it, that is a cumulative burden to our society that is truly massive. It is a massive cumulative burden with multiplying social problems and costs.

Mr. Speaker, I know this is not how we wish to be treated, let alone how we wish our children to be treated.

The Safe and Stable Families Act of 2001 authorizes funding to protect the Nation's children from that abuse with funding rising from $305 million to $505 million. Under this plan, Pennsylvania will receive at least $13.6 million to support vital programs that give children a safe start, enhancing preventive services for families in crisis, as well as family reunification and adoption promotion service.

This legislation provides States with the tools that they need to preserve and support families, promote adoption and provide overall support for children. This legislation is critical because it shows that Congress is committed to ensuring that all children live in safe, permanent and loving homes.

Through this legislation we also create a Federal program that will allow local governments to reach out to the children of prisoners, developing outreach or mentoring programs. This bill works to ensure the safety and welfare of children while strengthening and preserving the family.

Mr. Speaker, I urge my colleagues to join me in supporting this bill so that every child, regardless of race, religion or socioeconomic status, has a safe place to call home, a stable family life and the opportunity to achieve the American dream.

Mr. COLLINS. Mr. Speaker, I thank Chairman BILL THOMAS and Subcommittee Chairman WALLY HERGER for their effort on this important legislation, the Promoting Safe and Stable Families Amendments of 2001 (H.R. 2873)

H.R. 2873 reauthorizes the Promoting Safe and Stable Families program, which is the primary federal resource to prevent child abuse and neglect. This legislation takes important steps to help strengthen parental relationships and promote healthy marriages. It is for this reason that I offer my strong support for this important legislation.

I support H.R. 2873 because it recognizes the importance of a loving and stable family in the life of a child. While many Americans, such as myself, have been blessed to grow up in loving families, there are too many that do not have such a family. Recognizing this fact and the need for a loving, nurturing and disciplined home in the life of a child, Truett Cathy, the founder and CEO of Chik-Fil-A restaurants, established WinShape Homes in 1987.

Mr. Cathy started WinShape Homes to provide a loving, nurturing home for those children who are victims of circumstances and need a stable, secure family environment in which to grow and mature. Since 1987, WinShape Homes have served over 250 children. Currently, there are approximately 125 children in WinShape's eleven homes. These homes strive to meet all the physical, emotional, and spiritual needs of the children, and they stress character building, manners, proper dress, and hygiene. WinShape accepts boys and girls ages 6–16 regardless of race, culture, or religion. While WinShape Homes cannot adopt the children in their care, these homes function as loving and stable families for these children. A person never graduates from WinShape, even after marriage. Simply put, a WinShape family member is a family member for life.

Mr. Speaker, while I support this legislation and its goals, I am concerned about a related issue resulting from the Adoption and Safe Families Act of 1997 (ASFA) and the unintended consequences it could have on some children, particularly those who have found a loving home at WinShape. Rightfully, ASFA seeks to end the ''foster care drift'' that results when children are abused or neglected by their birth parents by placing these children in loving, adoptive homes. In this regard, ASFA has enjoyed great success. Unfortunately, ASFA's provisions do not adequately address the unique situation found in the families at WinShape Homes.

The problem for places like WinShape has resulted from ASFA's structure which pits family reunification against adoption. Under ASFA, states are required to hold ''permanency'' hearings no later than 12 months after placement in foster care to determine whether parental unification with the child or termination of parental rights should take place. Because WinShape Homes cannot adopt children, children at WinShape Homes may face these ''termination proceedings.'' As a result, a child could potentially be removed from the loving family at WinShape and placed in an entirely new family environment. In addition, while WinShape places a priority on maintaining sibling relationships, such termination proceedings may result in breaking this family bond and separating one sibling from the others through the adoptive process.

Mr. Speaker, as this important work to place children in loving, stable homes continues, I ask that the Members of this House examine these provisions regarding ''termination proceedings'' and permanent living arrangements, such as WinShape Homes, that provide a loving and stable home for so many children. In so doing, the House will only improve on the success of the Adoption and Safe Families Act.

Once again, I thank both Chairman THOMAS and Chairman HERGER for their work to promote safe and stable families for our children. I look forward to working with them, the House Leadership and all of my colleagues in this House to ensure that more American children grow up in loving and stable families.

Mr. PORTMAN. Mr. Speaker, I rise today in support of H.R. 2873, the Safe and Stable Families Amendments of 2001. This legislation will increase funding for important programs that protect our nation's children from abuse and neglect. In addition to increasing funding for existing programs, this bill will also create a new program to provide mentoring services for the children of prisoners, and to provide educational opportunities for youth, aging out of foster care.

I especially appreciate the commitment Congress is showing to these programs because I've witnessed the success of these programs firsthand. My district is fortunate to be home to Beech Acres, a community-based organization that provides highly-tailored services to over 17,000 children and families per year. Jim Mason, the President of Beech Acres, has

been a leader in pioneering creative programs for parenting.

At Beech Acres, Jim established an innovative Educational Advocacy Center for children to help provide those who have been abused, are in foster care, or have special challenges with the continuity and support that they need. The funds authorized in this bill will be helpful to Beech Acres.

I'm also pleased that the Infant Safe Haven programs was added as an allowable activity within the Safe and Stable Families program. I know that my colleague from California, Representative HERGER, has been working with Representative MELISSA HART to find a way to address the problem of parents who want to relinquish their new born children, and I appreciate their hard work.

This legislation will help make critical improvements in our nation's child protection services. Too often, these children have been neglected first by their parents, and then by society. With this bill, we are continuing our commitment to give these children the support and attention they deserve. I encourage all my colleagues to support its passage.

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

Mr. HERGER. Mr. Speaker, I urge support for H.R. 2873, as amended.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2873, 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.

□ 1930

BEST PHARMACEUTICALS FOR CHILDREN ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2887) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children, as amended.

The Clerk read as follows:

H.R. 2887

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 ''Best Pharmaceuticals for Children Act''.

SEC. 2. PEDIATRIC STUDIES OF ALREADY-MARKETED DRUGS.

(a) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through through (k) as subsections (b) through (j), respectively.

(b) CONFORMING AMENDMENTS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (b) (as redesignated by subsection (a)(2) of this section)—

(1) by inserting after ''the Secretary'' the following: ''determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and''; and

(2) by striking ''concerning a drug identified in the list described in subsection (b)''.

SEC. 3. RESEARCH FUND FOR THE STUDY OF DRUGS LACKING EXCLUSIVITY.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended—

(1) by redesignating the second section 409C (relating to clinical research) as section 409G;

(2) by redesignating the second section 409D (relating to enhancement awards) as section 409H; and

(3) by adding at the end the following:

''SEC. 409I. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS LACKING EXCLUSIVITY.

''(a) LIST OF DRUGS LACKING EXCLUSIVITY FOR WHICH PEDIATRIC STUDIES ARE NEEDED.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop, prioritize, and publish an annual list of approved drugs for which—

''(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act;

''(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act;

''(iii) there is no patent protection or market exclusivity protection under the Federal Food, Drug, and Cosmetic Act; or

''(iv) there is, under section 505A(c)(4)(C) of the Federal Food, Drug, and Cosmetic Act, a referral for inclusion on such list; and

''(B) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.

''(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing the list under paragraph (1), the Secretary shall consider, for each drug on the list—

''(A) the availability of information concerning the safe and effective use of the drug in the pediatric population;

''(B) whether additional information is needed;

''(C) whether new pediatric studies concerning the drug may produce health benefits in the pediatric population; and

''(D) whether reformulation of the drug is necessary;

''(b) CONTRACTS FOR PEDIATRIC STUDIES.—The Secretary shall award contracts to entities that have the expertise to conduct pediatric clinical trials (including qualified universities, hospitals, laboratories, contract research organizations, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct pediatric studies concerning one or more drugs identified in the list described in subsection (a).

''(c) PROCESS FOR CONTRACTS AND LABELING CHANGES.—

''(1) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS LACKING EXCLUSIVITY.—

''(A) IN GENERAL.—The Commissioner of Food and Drugs, in consultation with the Director of National Institutes of Health, may issue a written request (which shall include a timeframe for negotiations for an agreement) for pediatric studies concerning a drug identified in the list described in subsection (a) to all holders of an approved application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act. Such a written request shall be made in a manner equivalent to the manner in which a written request is made under subsection (a) or (b) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to information provided on the pediatric studies to be conducted pursuant to the request.

''(B) PUBLICATION OF REQUEST.—If the Commissioner of Food and Drugs does not receive a response to a written request issued under subparagraph (A) within 30 days of the date on which a request was issued, the Secretary, acting through the Director of National Institutes of Health and in consultation with the Commissioner of Food and Drugs, shall publish a request for contract proposals to conduct the pediatric studies described in the written request.

''(C) DISQUALIFICATION.—A holder that receives a first right of refusal shall not be entitled to respond to a request for contract proposals under subparagraph (B).

''(D) GUIDANCE.—Not later than 270 days after the date of enactment of this section, the Commissioner of Food and Drugs shall promulgate guidance to establish the process for the submission of responses to written requests under subparagraph (A).

''(2) CONTRACTS.—A contract under this section may be awarded only if a proposal for the contract is submitted to the Secretary in such form and manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(3) REPORTING OF STUDIES.—

''(A) Upon completion of a pediatric study in accordance with a contract awarded under this section, a report concerning the study shall be submitted to the Director of National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study.

''(B) AVAILABILITY OF REPORTS.—Each report submitted under subparagraph (A) shall be considered to be in the public domain, and shall be assigned a docket number by the Commissioner of Food and Drugs. An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the written comments shall become part of the docket file with respect to each of the drugs.

''(C) ACTION BY COMMISSIONER.—The Commissioner of Food and Drugs shall take appropriate action in response to the reports submitted under subparagraph (A) in accordance with paragraph (4).

''(4) REQUEST FOR LABELING CHANGES.—During the 180-day period after the date on which a report is submitted under paragraph (3)(A), the Commissioner of Food and Drugs shall—

''(A) review the report and such other data as are available concerning the safe and effective use in the pediatric population of the drug studied; and

''(B) negotiate with the holders of approved applications for the drug studied for any labeling changes that the Commissioner of Food and Drugs determines to be appropriate and requests the holders to make; and

''(C)(i) place in the public docket file a copy of the report and of any requested labeling changes; and

''(ii) publish in the Federal Register a summary of the report and a copy of any requested labeling changes.

''(5) DISPUTE RESOLUTION.—If, not later than the end of the 180-day period specified in paragraph (4), the holder of an approved application for the drug involved does not agree to any labeling change requested by the Commissioner of Food and Drugs under that paragraph—

''(A) the Commissioner of Food and Drugs shall immediately refer the request to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee; and

''(B) not later than 90 days after receiving the referral, the Subcommittee shall—

''(i) review the available information on the safe and effective use of the drug in the pediatric population, including study reports submitted under this section; and

''(ii) make a recommendation to the Commissioner of Food and Drugs as to appropriate labeling changes, if any.

''(6) FDA DETERMINATION.—Not later than 30 days after receiving a recommendation from the Subcommittee under paragraph (5)(B)(ii) with respect to a drug, the Commissioner of Food and Drugs shall consider the recommendation and, if appropriate, make a request to the holders of approved applications for the drug to make any labeling change that the Commissioner of Food and Drugs determines to be appropriate.

''(7) FAILURE TO AGREE.—If a holder of an approved application for a drug, within 30 days after receiving a request to make a labeling change under paragraph (6), does not agree to make a requested labeling change, the Commissioner may deem the drug to be misbranded under the Federal Food, Drug, and Cosmetic Act.

''(8) RECOMMENDATION FOR FORMULATION CHANGES.—If a pediatric study completed under public contract indicates that a formulation change is necessary and the Secretary agrees, the Secretary shall send a nonbinding letter of recommendation regarding that change to each holder of an approved application.

''(d) CONFIDENTIAL COMMERCIAL INFORMATION; TRADE SECRETS.—Nothing in this section requires or authorizes the use or disclosure of confidential commercial information or trade secrets.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $200,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.''.

SEC. 4. WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS THAT HAVE MARKET EXCLUSIVITY.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (c) (as redesignated by section 2(a)(2) of this Act) by adding at the end the following:

''(4) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS THAT HAVE MARKET EXCLUSIVITY.—

''(A) REQUEST AND RESPONSE.—If the Secretary makes a written request for pediatric studies under subsection (b) to the holder of an application approved under section 505(b)(1), the holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the holder to act on the request by—

''(i) indicating when the pediatric studies will be initiated, if the holder agrees to the request; or

''(ii) indicating that the holder does not agree to the request.

''(B) NO AGREEMENT TO REQUEST.—

''(i) REFERRAL.—If the holder does not agree to a written request within the time period specified in subparagraph (A), and if the Secretary determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates as appropriate), the Secretary shall refer the drug to the Foundation for Pediatric Research established under section 499A of the Public Health Service Act (referred to in this paragraph as the 'Foundation') for consideration for the conduct of the pediatric studies described in the written request.

''(ii) PUBLIC NOTICE.—The Secretary shall give public notice of a referral under clause (i), including notice of the name of the drug, the name of the manufacturer, and the indication to be studied.

''(C) LACK OF FUNDS.—If, on referral of a drug under subparagraph (B)(i), the Foundation certifies to the Secretary that the Foundation does not have funds available to conduct the requested studies, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of the studies.

''(D) CONFIDENTIAL COMMERCIAL INFORMATION; TRADE SECRETS.—Nothing in this paragraph requires or authorizes the use or disclosure of confidential commercial information or trade secrets.

''(E) NO REQUIREMENT TO REFER.—Nothing in this subsection shall be construed to require that every declined written request shall be referred to the Foundation.''.

SEC. 5. TIMELY LABELING CHANGES FOR DRUGS GRANTED EXCLUSIVITY; DRUG FEES.

(a) ELIMINATION OF USER FEE WAIVER FOR PEDIATRIC SUPPLEMENTS.—Section 736(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)(1)) is amended—

(1) by striking subparagraph (F); and

(2) by redesignating subparagraph (G) as subparagraph (F).

(b) LABELING CHANGES.—

(1) DEFINITION OF PRIORITY SUPPLEMENT.—Section 201 of the Federal Food Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(kk) PRIORITY SUPPLEMENT.—The term 'priority supplement' means a drug application referred to in section 101(4) of the Food and Drug Administration Modernization Act of 1997 (111 Stat. 2298).''.

(2) TREATMENT AS PRIORITY SUPPLEMENTS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a), as amended by section 2(a)(2) of this Act, is amended by adding at the end the following:

''(k) LABELING SUPPLEMENTS.—

''(1) PRIORITY STATUS FOR PEDIATRIC SUPPLEMENTS.—Any supplement to an application under section 505 proposing a labeling change pursuant to a report on a pediatric study under this section—

''(A) shall be considered to be a priority supplement; and

''(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

''(2) DISPUTE RESOLUTION.—If the Commissioner determines that an application with respect to which a pediatric study is conducted under this section is approvable and that the only open issue for final action on the application is the reaching of an agreement between the sponsor of the application and the Commissioner on appropriate changes to the labeling for the drug that is the subject of the application—

''(A) not later than 180 days after the date of submission of the application—

''(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

''(ii) if the sponsor of the application does not agree to make a labeling change requested by the Commissioner by that date, the Commissioner shall immediately refer the matter to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee;

''(B) not later than 90 days after receiving the referral, the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee shall—

''(i) review the pediatric study reports; and

''(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any;

''(C) the Commissioner shall consider the recommendations of the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling change that the Commissioner determines to be appropriate; and

''(D) if the sponsor of the application, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.''.

SEC. 6. OFFICE OF PEDIATRIC THERAPEUTICS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Office of Pediatric Therapeutics within the Office of the Commissioner of Food and Drugs.

(b) DUTIES.—The Office of Pediatric Therapeutics shall be responsible for oversight and coordination of all activities of the Food and Drug Administration that may have any effect on a pediatric population or the practice of pediatrics or may in any other way involve pediatric issues.

(c) STAFF.—The staff of the Office of Pediatric Therapeutics shall include—

(1) employees of the Department of Health and Human Services who, as of the date of enactment of this Act, exercise responsibilities relating to pediatric therapeutics;

(2) 1 or more additional individuals with expertise concerning ethical issues presented by the conduct of clinical research in the pediatric population; and

(3) 1 or more additional individuals with expertise in pediatrics who shall consult and collaborate with all components of the Food and Drug Administration concerning activities described in subsection (b).

SEC. 7. NEONATES.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (f) (as redesignated by section 2(a)(2) of this Act) by inserting ''(including neonates in appropriate cases)'' after ''pediatric age groups''.

SEC. 8. SUNSET.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by striking subsection (i) (as redesignated by section 2(a)(2) of this Act) and inserting the following:

''(i) SUNSET.—A drug may not receive any 6-month period under subsection (a) or (b) unless—

''(1) on or before October 1, 2007, the Secretary makes a written request for pediatric studies of the drug;

''(2) on or before October 1, 2007, an approvable application for the drug is submitted under section 505(b)(1); and

''(3) all requirements of this section are met.''.

SEC. 9. DISSEMINATION OF PEDIATRIC INFORMATION.

Section 505A of the Federal Food, Drug, and Cosmetic Act, as amended by section 5(b)(2) of this Act, is amended by adding at the end the following:

''(l) DISSEMINATION OF PEDIATRIC INFORMATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of submission of a report on a pediatric study under this section, the Commissioner shall make available to the public a summary of the medical and clinical pharmacology reviews of pediatric studies conducted for the supplement, including by publication in the Federal Register.

''(2) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends in any way section 552 of title 5 or section 1905 of title 18, United States Code.''.

SEC. 10. CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER SECTION 505A OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j) OF THAT ACT.

Section 505A of the Federal Food, Drug, and Cosmetic Act, as amended by section 9 of this Act, is amended by adding at the end the following:

''(m) CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j).—

''(1) IN GENERAL.—If a 180-day period under section 505(j)(5)(B)(iv) overlaps with a 6-month extension under this section, so that the applicant for approval of a drug under section 505(j) entitled to the 180-day period under that section loses a portion of the 180-day period to which the applicant is entitled for the drug, the 180-day period shall be extended—

''(A) if the 180-day period would, but for this subsection, expire after the 6-month extension, by the number of days of the overlap; or

''(B) if the 180-day period would, but for this subsection, expire during the 6-month extension, by 6 months.

''(2) EFFECT OF SUBSECTION.—Under no circumstances shall application of this section result in an applicant for approval of a drug under section 505(j) being enabled to commercially market the drug to the exclusion of a subsequent applicant for approval of a drug under section 505(j) for more than 180 days.''.

SEC. 11. PROMPT APPROVAL OF GENERIC DRUGS WHEN PEDIATRIC INFORMATION ADDED TO LABELING.

(a) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetic Act, as amended by section 10 of this Act, is amended by adding at the end the following subsection:

''(n) PROMPT APPROVAL OF GENERIC DRUGS WHEN PEDIATRIC INFORMATION ADDED TO LABELING.—

''(1) IN GENERAL.—A drug for which an application has been submitted or approved under section 505(j) and which otherwise meets all other applicable requirements under that section shall be considered eligible for approval and shall not be considered misbranded under section 502 even when its labeling omits a pediatric indication or other aspect of labeling pertaining to pediatric use that is protected by patent or by market exclusivity pursuant to clause (iii) or (iv) of section 505(j)(5)(D).

''(2) LABELING OF GENERIC DRUG.—Notwithstanding the provisions of clause (iii) or (iv) of section 505(j)(5)(D), the Secretary may require that the labeling of a drug approved under section 505(j) that omits pediatric labeling pursuant to paragraph (1) include—

''(A) a statement that the drug is not labeled for the protected pediatric use; and

''(B) any warnings against unsafe pediatric use that the Secretary considers necessary.

''(3) RULE OF CONSTRUCTION.—Paragraphs 1 and 2 of this subsection do not affect—

''(A) the availability or scope of exclusivity under this section;

''(B) the availability or scope of exclusivity under section 505 for pediatric formulations; or

''(C) except as expressly provided in paragraph (1) and (2), the operation of section 505.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act, including with respect to applications under section 505(j) of the Federal Food, Drug, and Cosmetic Act that are approved or pending on that date.

SEC. 12. ADVERSE-EVENT REPORTING.

(a) TOLL-FREE NUMBER IN LABELING.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate a final rule requiring that the labeling of each drug for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (regardless of the date on which approved) include the toll-free number maintained by the Secretary for the purpose of receiving reports of adverse events regarding drugs. With respect to the final rule:

(1) The rule shall provide for the implementation of such labeling requirement in a manner that the Secretary considers to be most likely to reach the broadest consumer audience.

(2) In promulgating the rule, the Secretary shall seek to minimize the cost of the rule on the pharmacy profession.

(3) The rule shall take effect not later than 60 days after the date on which the rule is promulgated.

(b) DRUGS WITH PEDIATRIC MARKET EXCLUSIVITY.—

(1) IN GENERAL.—During the one-year beginning on the date on which a drug receives a period of market exclusivity under 505A of the Federal Food, Drug, and Cosmetic Act, any report of an adverse event regarding the drug that the Secretary of Health and Human Services receives shall be referred to the Office of Pediatric Therapeutics established under section 6 of this Act. In considering the report, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee, including obtaining any recommendations of such Subcommittee regarding whether the Secretary should take action under the Federal Food, Drug, and Cosmetic Act in response to the report.

(2) RULE OF CONSTRUCTION.—Paragraph (1) may not be construed as restricting the authority of the Secretary of Health and Human Services to continue carrying out the activities described in such paragraph regarding a drug after the one-year period described in such paragraph regarding the drug has expired.

SEC. 13. FOUNDATION FOR PEDIATRIC RESEARCH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following part:

"PART J—FOUNDATION FOR PEDIATRIC RESEARCH

"SEC. 499A. ESTABLISHMENT AND DUTIES OF FOUNDATION.

''(a) IN GENERAL.—The Secretary, acting through the Director of NIH and in consultation with the Commissioner of Food and Drugs, shall establish a nonprofit corporation to be known as the Foundation for Pediatric Research (hereafter in this section referred to as the 'Foundation'). The Foundation shall not be an agency or instrumentality of the United States Government.

''(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to collect funds and award grants for research on drugs listed by the Secretary pursuant to section 409I(a)(1)(A).

''(c) CERTAIN ACTIVITIES OF FOUNDATION.—

''(1) IN GENERAL.—In carrying out subsection (b), the Foundation may solicit and accept gifts, grants, and other donations, establish accounts, and invest and expend funds in support of a program to encourage donations for the conduct of studies of drugs referred to in subsection (b).

''(2) FEES.—The Foundation may assess fees for the provision of professional, administrative and management services by the Foundation in amounts determined reasonable and appropriate by the Executive Director.

''(3) AUTHORITY OF FOUNDATION.—The Foundation shall be the sole entity responsible for carrying out the activities described in this subsection.

''(d) BOARD OF DIRECTORS.—

''(1) COMPOSITION.—

''(A) The Foundation shall have a Board of Directors (hereafter referred to in this section as the 'Board'), which shall be composed of ex officio and appointed members in accordance with this subsection. Appointed members of the Board shall be the voting members.

''(B) The ex officio members of the Board shall be—

''(i) the Chairman and ranking minority member of the Subcommittee on Health (Committee on Energy and Commerce) or their designees, in the case of the House of Representatives;

''(ii) the Chairman and ranking minority member of the Committee on Health, Education, Labor and Pensions or their designees, in the case of the Senate;

''(iii) the Director of NIH; and

''(iv) the Commissioner of Food and Drugs.

''(C) The ex officio members of the Board under subparagraph (B) shall appoint to the Board 11 individuals from among a list of candidates to be provided by the National Academy of Science. Of such appointed members—

''(i) 5 shall be representative of the experts in pediatric medicine and research field;

''(ii) 1 shall be a biomedical ethicist; and

''(iii) 5 shall be representatives of the general public, which may include representatives of affected industries.

''(D)(i) Not later than 30 days after the date of the enactment of the Best Pharmaceuticals for Children Act, the Director of NIH shall convene a meeting of the ex officio members of the Board to—

''(I) incorporate the Foundation and establish the general policies of the Foundation for carrying out the purposes of subsection (b), including the establishment of the bylaws of the Foundation; and

''(II) appoint the members of the Board in accordance with subparagraph (C).

''(ii) Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

''(E) The agreement of not less than three-fifths of the members of the ex officio members of the Board shall be required for the appointment of each member to the initial Board.

''(F) No employee of the National Institutes of Health shall be appointed as a member of the Board.

''(2) CHAIR.—

''(A) The ex officio members of the Board under paragraph (1)(B) shall designate an individual to serve as the initial Chair of the Board.

''(B) Upon the termination of the term of service of the initial Chair of the Board, the appointed members of the Board shall elect a member of the Board to serve as the Chair of the Board.

''(3) TERMS AND VACANCIES.—

''(A) The term of office of each member of the Board appointed under paragraph (1)(C) shall be 5 years, except that the terms of offices for the initial appointed members of the Board shall expire as determined by the ex officio members and the Chair.

''(B) Any vacancy in the membership of the Board shall be filled in the manner in which the original position was made and shall not affect the power of the remaining members to execute the duties of the Board.

''(C) If a member of the Board does not serve the full term applicable under subparagraph (A), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

''(D) A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

''(4) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

''(5) MEETINGS AND QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the business of the Board.

''(6) CERTAIN BYLAWS.—

''(A) In establishing bylaws under this subsection, the Board shall ensure that the following are provided for:

''(i) Policies for the selection of the officers, employees, and agents of the Foundation.

''(ii) Policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation. Policies with respect to ethical standards shall ensure that officers, employees and agents of the Foundation (including members of the Board) avoid encumbrances that would result in a conflict of interest, including a financial conflict of interest or a divided allegiance. Such policies shall include requirements for the provision of information concerning any ownership or controlling interest in entities related to the activities of the Foundation by such officers, employees and agents and their spouses and relatives.

''(iii) Policies for the conduct of the general operations of the Foundation.

''(B) In establishing bylaws under this subsection, the Board shall ensure that such bylaws (and activities carried out under the bylaws) do not—

''(i) reflect unfavorably upon the ability of the Foundation to carry out its responsibilities or official duties in a fair and objective manner; or

''(ii) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee involved in such program.

''(e) INCORPORATION.—The initial members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

''(f) NONPROFIT STATUS.—The Foundation shall be considered to be a corporation under section 501(c) of the Internal Revenue Code of 1986, and shall be subject to the provisions of such section.

''(g) EXECUTIVE DIRECTOR.—

''(1) IN GENERAL.—The Foundation shall have an Executive Director who shall be appointed by the Board and shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

''(2) COMPENSATION.—The rate of compensation of the Executive Director shall be fixed by the Board.

''(h) POWERS.—In carrying out subsection (b), the Foundation shall operate under the direction of its Board, and may—

''(1) adopt, alter, and use a corporate seal, which shall be judicially noticed;

''(2) provide for 1 or more officers, employees, and agents, as may be necessary, define their duties, and require surety bonds or make other provisions against losses occasioned by acts of such persons;

''(3) hire, promote, compensate, and discharge officers and employees of the Foundation, and define the duties of the officers and employees;

''(4) with the consent of any executive department or independent agency, use the information, services, staff, and facilities of such in carrying out this section;

''(5) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

''(6) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this part;

''(7) establish a process for the selection of candidates for positions under subsection (c);

''(8) solicit, accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

''(9) enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation; and

''(10) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this part.

''(i) ADMINISTRATIVE CONTROL.—No participant in the program established under this part shall exercise any administrative control over any Federal employee, nor shall the Foundation attempt to influence an executive branch agency or employee.

''(j) GENERAL PROVISIONS.—

''(1) FOUNDATION INTEGRITY.—The members of the Board shall be accountable for the integrity of the operations of the Foundation and shall ensure such integrity through the development and enforcement of criteria and procedures relating to standards of conduct (including those developed under subsection (d)(6)(A)(ii), financial disclosure statements, conflict of interest rules, recusal and waiver rules, audits and other matter determined appropriate by the Board.

''(2) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board of the Foundation may not (in accordance with policies and requirements developed under subsection (d)(6)(A)(ii) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act of 1978) of the individual, of any business organization or other entity, or of which the individual is an officer or employee, or is negotiating for employment, or in which the individual has any other financial interest.

''(3) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

''(A) provide for annual audits of the financial condition of the Foundation; and

''(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

''(4) REPORTS.—

''(A) Not later than 5 months following the end of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

''(B) With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description of, all gifts or grants to the Foundation of real or personal property, and the source and amount of all gifts or grants to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts or grants to the Foundation may be used.

''(C) The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

''(D) The Board shall annually hold a public meeting to summarize the activities of the Foundation and distribute written reports concerning such activities and the scientific results derived from such activities.

''(5) SERVICE OF FEDERAL EMPLOYEES.—Federal employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its function, so long as the employees do not direct or control Foundation activities.

''(6) RELATIONSHIP WITH EXISTING ENTITIES.—The Foundation may, pursuant to appropriate agreements, acquire the resources of existing nonprofit private corporations with missions similar to the purposes of the Foundation.

''(7) INTELLECTUAL PROPERTY RIGHTS.—The Board may adopt written standards with respect to the ownership of any intellectual property rights derived from the collaborative efforts of the Foundation prior to the commencement of such efforts.

''(8) NATIONAL INSTITUTES OF HEALTH AMENDMENTS OF 1990.—The activities conducted in support of the National Institutes of Health Amendments of 1990 (Public Law 101–613), and the amendments made by such Act, shall not be nullified by the enactment of this section.

''(9) LIMITATION OF ACTIVITIES.—The Foundation shall exist solely as an entity to collect funds and award grants for research on drugs listed by the Secretary pursuant to section 409I(a)(1)(A).

''(10) TRANSFER OF FUNDS.—The Foundation may transfer funds to the National Institutes of Health. Any funds transferred under this paragraph shall be subject to all Federal limitations relating to federally-funded research.

''(k) DUTIES OF THE DIRECTOR.—

''(1) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with the National Institutes of Health, with respect to financial assistance received from the Foundation, the Foundation may not provide the assistance of, or otherwise permit the work at the National Institutes of Health to begin until a memorandum of understanding between the individual and the Director of NIH, or the designee of such Director, has been executed specifying that the individual shall be subject to such ethical and procedural standards of conduct relating to duties performed at the National Institutes of Health, as the Director of NIH determines is appropriate.

''(2) SUPPORT SERVICES.—The Director of NIH shall provide facilities, utilities and support services to the Foundation.

''(l) REPORTS OF STUDIES; LABELING CHANGES.—

''(1) IN GENERAL.—Upon completion of a pediatric study conducted pursuant to this section, a report concerning the study shall be submitted to the Director of National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study.

''(2) AVAILABILITY OF REPORTS; ACTION BY FOOD AND DRUG ADMINISTRATION; LABELING CHANGES.—With respect to a report submitted under paragraph (1), the provisions of paragraphs (3)(B) through (8) of section 409I(c) apply to such report to the same extent and in the same manner as such provision apply to a report submitted under section 409I(c)(3)(A).

''(m) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year.

''(2) LIMITATION REGARDING OTHER FUNDS.—Amounts appropriated under any provision of law other than paragraph (1) may not be expended to establish or operate the Foundation.''.

SEC. 14. STUDY CONCERNING RESEARCH INVOLVING CHILDREN.

(a) CONTRACT WITH INSTITUTE OF MEDICINE.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for—

(1) the conduct, in accordance with subsection (b), of a review of—

(A) Federal regulations in effect on the date of the enactment of this Act relating to research involving children;

(B) federally-prepared or supported reports relating to research involving children; and

(C) federally-supported evidence-based research involving children; and

(2) the submission to the appropriate committees of Congress, by not later than 2 years after the date of enactment of this Act, of a report concerning the review conducted under paragraph (1) that includes recommendations on best practices relating to research involving children.

(b) AREAS OF REVIEW.—In conducting the review under subsection (a)(1), the Institute of Medicine shall consider the following:

(1) The written and oral process of obtaining and defining ''assent'', ''permission'' and ''informed consent'' with respect to child clinical research participants and the parents, guardians, and the individuals who may serve as the legally authorized representatives of such children (as defined in subpart A of part 46 of title 45, Code of Federal Regulations).

(2) The expectations and comprehension of child research participants and the parents, guardians, or legally authorized representatives of such children, for the direct benefits and risks of the child's research involvement, particularly in terms of research versus therapeutic treatment.

(3) The definition of ''minimal risk'' with respect to a healthy child or a child with an illness.

(4) The appropriateness of the regulations applicable to children of differing ages and maturity levels, including regulations relating to legal status.

(5) Whether payment (financial or otherwise) may be provided to a child or his or her parent, guardian, or legally authorized representative for the participation of the child in research, and if so, the amount and type of payment that may be made.

(6) Compliance with the regulations referred to in subsection (a)(1)(A), the monitoring of such compliance (including the role of institutional review boards), and the enforcement actions taken for violations of such regulations.

(7) The unique roles and responsibilities of institutional review boards in reviewing research involving children, including composition of membership on institutional review boards.

(c) REQUIREMENTS OF EXPERTISE.—The Institute of Medicine shall conduct the review under subsection (a)(1) and make recommendations under subsection (a)(2) in conjunction with experts in pediatric medicine, pediatric research, and the ethical conduct of research involving children.

SEC. 15. STUDY ON EFFECTS OF THIS ACT.

Not later than October 1, 2006, the Comptroller General of the United States shall submit to the Congress and the Secretary of Health and Human Services a report that describes the following:

(1) The effectiveness of the amendments made by this Act in ensuring that all drugs used by children are tested and properly labeled, including—

(A) the number and importance for children of drugs that are being tested as a result of such amendments, and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(B) the number and importance for children of drugs that are not being tested for their use notwithstanding the amendments, and possible reason for this; and

(C) the number of drugs for which pediatric testing has been done, for which a period of market exclusivity has been granted, and for which labeling changes required the use of the dispute resolution process established pursuant to the amendments, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the advisory committee.

(2) The economic impact of the amendments made by this Act, including an estimate of—

(A) costs to taxpayers in the form of higher expenditures by Medicaid and other government programs;

(B) costs to consumers as a result of any delay in the availability of lower cost generic equivalents of drugs tested and granted exclusivity pursuant to such amendments, and loss of revenue by the generic drug industry and any other affected industry as a result of any such delay; and

(C) benefits to the government, to private insurers, and to consumers resulting from decreased health care costs, including—

(i) decreased hospitalizations, due to more appropriate and more effective use of medications in children as a result of testing and re-labeling because of such amendments;

(ii) direct and indirect benefits associated with fewer physician visits not related to hospitalization;

(iii) benefits to children from missing less time at school and being less affected by chronic illnesses, thereby allowing a better quality of life;

(iv) benefits to consumers from lower health insurance premiums due to lower treatment costs and hospitalization rates; and

(v) benefits to employers from reduced need for employees to care for family members.

(3) The nature and types of studies in children of drugs granted a period of market exclusivity pursuant to the amendments made by this Act, including a description of the complexity of such studies, the number of study sites necessary to obtain appropriate data, and the numbers of children involved in any clinical studies, and the cost of such studies for each type of study identified.

(4) The increased pediatric research capability, both private and government-funded, associated with the amendments made by this Act.

SEC. 16. MINORITY CHILDREN AND PEDIATRIC-EXCLUSIVITY PROGRAM.

(a) PROTOCOLS FOR PEDIATRIC STUDIES.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (c)(2) (as redesignated by section 2(a)(2) of this Act) by inserting after the first sentence the following: ''In reaching an agreement regarding written protocols, the Secretary shall take into account adequate representation of children of ethnic and racial minorities.''.

(b) STUDY BY GENERAL ACCOUNTING OFFICE.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study for the purpose of determining the following:

(A) The extent to which children of ethnic and racial minorities are adequately represented in studies under section 505A of the Federal Food, Drug, and Cosmetic Act; and to the extent ethnic and racial minorities are not adequately represented, the reasons for such under representation and recommendations to increase such representation.

(B) Whether the Food and Drug Administration has appropriate management systems to monitor the representation of the children of ethnic and racial minorities in such studies.

(C) Whether drugs used to address diseases that disproportionately affect racial and ethnic minorities are being studied for their safety and effectiveness under section 505A of the Federal Food, Drug, and Cosmetic Act.

(2) DATE CERTAIN FOR COMPLETING STUDY.—Not later than January 10, 2003, the Comptroller General shall complete the study required in paragraph (1) and submit to the Congress a report describing the findings of the study.

SEC. 17. TECHNICAL AND CONFORMING AMENDMENTS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1)(A) by striking ''(j)(4)(D)(ii)'' each place such term appears and inserting ''(j)(5)(D)(ii)''; and

(B) by striking ''(j)(4)(D)'' each place such term appears and inserting ''(j)(5)(D)''; and

(2)(A) in subsection (c) (as redesignated by section 2(a)(2) of this Act), in each of paragraphs (1) through (3), by striking ''subsection (a) or (c)'' and inserting ''subsection (a) or (b)''; and

(B) in subsection (d) (as so redesignated), in the last sentence, by striking ''subsection (a) or (c)'' and inserting ''subsection (a) or (b)''.

The SPEAKER pro tempore (Mr. OTTER). Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 2887, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of the Greenwood-Eshoo Best Pharmaceuticals for Children Act, and I urge swift passage of this bipartisan bill.

For years, drugs used in children were not tested for children. To address this situation, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from California (Mr. WAXMAN) worked together in 1997 to provide manufacturers with an incentive to test these drugs in children. The incentive adopted then was an additional 6 months of exclusivity to be added to existing exclusivity or patent protection for testing drugs at the request of the FDA.

No one denies that this incentive has worked. According to the FDA, the pediatric exclusivity provision has done more to generate clinical studies and useful prescribing information for the pediatric population of our country than any regulatory or legislative process to date. Put another way, this bill, this act, has done more to test drugs for children in America than any other legislative initiative in the history of this Congress.

According to the American Academy of Pediatrics, the incentive has advanced therapeutics for infants, children, and adolescents in ways that

were not possible in the several decades prior to the passage of the law.

Every children's group in America supports this reauthorization. Without this reauthorization, the law expires. Every children's group is urging us to adopt this bill and to reauthorize this good law. That is why the Committee on Energy and Commerce reported the bill by a strong 41 to six bipartisan vote.

In fact, at the Committee on Energy and Commerce we have the support of Members, such as the gentleman from Michigan (Mr. STUPAK), the gentleman from Texas (Mr. GREEN), the gentlewoman from Colorado (Ms. DEGETTE), the gentleman from Maryland (Mr. WYNN), the gentleman from New York (Mr. ENGEL), the gentleman from Illinois (Mr. RUSH); and the list goes on.

While some may object to this bill today, this is a matter that was so bipartisan that it has already passed the Senate with unanimous consent.

A handful of Members oppose this reauthorization by saying that pediatric exclusivity has provided a windfall to the industry that has increased costs to consumers. Here are the facts: while some companies have benefited financially for testing their drugs in children, the GAO notes that while there has been some concern that exclusivity may be sought and granted primarily for drugs that generate substantial revenue, most of the drugs studied are not the top sellers.

In fact, 20 of the 37 drugs which have been granted exclusivity for performing these tests in children, at the request of the FDA, 20 of the 37 drugs fall outside the top 200 in terms of drug sale revenue. Further, the FDA estimates that the cost of this provision adds about one-half of one percent to the Nation's pharmaceutical bill; but according to Tufts University, it saves us $7 billion in medical costs because we now know what levels to prescribe drugs for children and what children can take what drugs and which children cannot, depending on the weight and age and many other factors.

Another argument against the bill is that it costs too much. Frankly, I, too, was surprised by the CBO score on this bill. While the CBO estimates that the bill will result in direct savings and revenue increases over the next 5 years, they also estimate that it will result in increased discretionary spending over this period.

The flaw in the CBO score is that they assume that the new public fund for the study of generic drugs will study 165 drugs over the next 5 years. That is simply unrealistic. The American Academy of Pediatrics has told our committee that only 30 to 50 generic drugs will need to be studied under this program, not the 165 that was identified by the CBO; and assuming that the experts in pediatric medicine are correct, rather than CBO, this reduces the score by more than $400 million.

The American Academy of Pediatrics, the Coalition for Children'S Health, the National Association of Children's Hospitals, and the Elizabeth Glaser Pediatric AIDS Foundation are all telling us to please pass the Greenwood-Eshoo legislation now. If the program is not reauthorized this year, it expires. So I urge my colleagues, please pass this legislation.

I commend the gentlewoman from California (Ms. ESHOO) for her diligent work on this and the gentleman from Pennsylvania (Mr. GREENWOOD) for their leadership in getting this legislation to the floor.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know of no Member of Congress who opposes testing drugs for use in children. I know of no Member of Congress who believes it is okay that drug safety and efficacy and dosage information is available for adults but not for children.

The question is, how much must Americans pay the drug industry to secure this kind of testing? By keeping lower-priced generics off the market, the 6-month exclusivity provisions cost the Federal Government, employer-sponsored health plans, seniors, all of us, literally billions, billions of dollars in inflated drug prices.

The Federal Government instead could pay the companies two, three, four, even five times the cost of doing these tests. It would still cost less than 6 months of exclusivity, but that would be direct government spending and we cannot have that.

The drug industry and my friends in the majority have made it very clear, if the Nation wants prescription drugs to be tested for use in children, we have to help the drug industry choke off its competition. The most profitable industry in the world has convinced us it deserves another multi-billion dollar windfall for conducting $4 million tests.

I thought committee deliberations on this legislation might produce some legitimate argument, but no such luck. The line of reasoning behind this bill goes something like this: 6-month exclusivity works, they tell us. So would handing the drug industry a blank check and asking them to rob us blind. Does that make it a good idea?

Typically policy-makers weigh both the benefits and the costs when formulating public policy. Why are we only weighing the benefits here?

They tell us pediatric exclusivity is the most successful program in our history when it comes to increasing the number of pediatric tests. It is also the only program attempted that offers any economic incentive for pediatric testing. Attempts in the past relied on subtle persuasion, not any kind of economic incentives.

Third, they tell us the carrot works better than the stick. Yes, but how big does the carrot need to be? Do drug companies need to earn a 600 percent to 1,500 percent return on their investment or they will refuse to make sure that their drugs are safe for kids?

They assert that pediatric exclusivity uses marketplace incentives, it is a free market solution. Pediatric exclusivity is not a free market solution. It does not use marketplace incentives. In free markets, competition and demand drive behavior. Monopolies, as this extends, are anathema to free markets.

They tell us that FDA says pediatric exclusivity represents about only a half of 1 percent of the Nation's pharmaceutical bill. If the added costs of pediatric exclusivity were spread evenly over all drug purchases, then the impact would be minimal.

The lost savings, however, are not spread over every purchase. They are imposed only on the consumers who use Prilosec or Vasotec or one of the drugs eligible for exclusivity.

So a constituent calls one of us and says the price of a prescription suddenly doubled, I would make her feel better by saying that increase represents only one half of 1 percent of all prescription drug prices? I do not think so.

They tell us when we factor in lower children's health care costs, pediatric exclusivity actually saves money. I wonder if the authors of this research actually factored in the higher health care costs that accrue when seniors, who cannot afford the inflated drug prices associated with 6-month exclusivity, when they remain ill, or when children who may remain ill, whose parents cannot afford inflated drug prices.

Why do I oppose this legislation? It is costing my constituents too much. It is costing employer-sponsored health care plans too much. It costs the State and Federal Government too much.

Generic competition, remember, typically cuts a drug's price in half initially; and over time, the price difference grows so that consumers are paying 80 percent, even 90 percent, less for a generic drug that this bill wants to keep off the market. For drugs like Prilosec, Prozac, and Zocor, exclusivity adds $70 to each prescription, and the manufacturer of these drugs will take home an additional, as committee testimony proved, an additional $500 million to $1.6 billion for drug tests that cost about $4 million each. That is why many of us on this side are opposed to this legislation.

I am opposed to considering this bill as a suspension, not only because this Congress should have the opportunity to consider alternatives, but because

the gentleman from Michigan (Mr. STUPAK) should have the opportunity to amend the labeling provisions in this bill. Drug companies are rewarded with more market exclusivity before the labels on the drugs are changed to reflect the pediatric information.

Consumers are paying a huge bill, for which they receive a vague promise that labels will change eventually to reflect new information. That makes no sense.

For the sake of children, for seniors, for every consumer, the gentleman from Michigan (Mr. STUPAK) wants to improve this bill. We should revisit this bill.

I urge a ''no'' vote with the best interests of children, their families, consumers, taxpayers, all of us. That means voting no.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. ESHOO), the co-sponsor of this important legislation.

Ms. ESHOO. Mr. Speaker, I thank the distinguished chairman of our committee for his leadership on this, and I am proud to be the Democratic sponsor with the gentleman from Pennsylvania (Mr. GREENWOOD) of the Best Pharmaceuticals for Children Act.

This legislation extents the pediatric exclusivity provision, which is one of the most successful programs created by Congress to inspire medical therapeutic advances for children. Prior to its enactment, 80 percent of all medications had never been tested for use by children, even though most were widely used by pediatricians to treat them. Many of these drugs carry disclaimers stating that they were not approved for children, and pediatricians were literally cutting pills in half and thirds and in quarters, guessing, and essentially experimenting on children as they used anecdotal information or guesswork to use the medications for them. Obviously, this was not acceptable for our Nation's children.

In 1997, the Congress passed a pediatric exclusivity provision as part of the FDA Modernization Act, which I sponsored with the gentleman from Texas (Mr. BARTON) at the time. This provision has made a dramatic change in the way pediatricians are practicing and administering medicine to children.

Now they have the necessary dosage guidance on drug labels to administer drugs safely to children, but there are many more drugs that can and should be used in the pediatric population. This bill ensures that those drugs will also be studied and that information on safe use will be provided to pediatricians.

Because previous attempts for drug studies for children had actually failed, this provision was given a 4-year life span. It expires in January of 2002. That is why we are here today.

The incentive that was granted to drug companies to study drugs for children was to give them 6 months of additional market exclusivity. Some of my colleagues on my side of the aisle do not think that that is right. Actually, the proof is in the pudding because it has worked.

Since the law has been in place, the FDA has received close to 250 proposed pediatric study requests from pharmaceutical companies and has issued nearly 200 requests to conduct over 400 pediatric studies. If this were a business, we would have to say it was good because this never happened before. Yes, there is a carrot that has been taken a bite out of. I think that some of my colleagues do not think that this is good enough.

By comparison, in the 7 years prior to enactment of this provision, only 11 studies were completed. The FDA has granted market exclusivity extensions for 33 products; 20 of them include new labeling information for pediatrics and parents. So I think that better informed decisions are being made and children are being taken better care of.

During our committee deliberations, a number of proposals by my colleagues, the gentleman from New Jersey (Mr. PALLONE), who is here, and the gentlewoman from Colorado (Ms. DEGETTE) were adopted and are part of the underlying bill.

The bill before us also makes some significant improvements, improvements that we thought needed to be made over what we have learned over the last 4 years by creating an off-patent drug fund within NIH and setting up a public-private foundation to support the research necessary for these important drugs.

The bill also addresses some concerns that were raised by both the FDA and the GAO with regard to labeling. The bill enhances the labeling process and provides the FDA commissioner the authority to misbrand a drug if drug companies actually drag their heels and do not do what we are looking for.

Twenty-eight national children's health advocacy groups support this bill's passage. Among them are the American Academy of Pediatrics, the March of Dimes, and the National Association of Children's Hospitals.

This bill deserves to be passed overwhelmingly by the House of Representatives. We should follow in the other body's footsteps, which passed this, by the way, on a unanimous consent.

So I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their leadership. It has been a pleasure working with my colleagues.

□ 1945

Mr. BROWN of Ohio. Mr. Speaker, I yield 4½ minutes to the gentleman from Michigan (Mr. STUPAK) who has worked hard on making this bill fairer for consumers and fairer for children and fairer for consumers of prescription drugs.

Mr. STUPAK. Mr. Speaker, I rise tonight to urge Members to vote against H.R. 2887, the Pediatric Exclusivity Act, as it is on the suspension calendar with controversial provisions.

First approved in 1997, pediatric exclusivity granted the drug companies an extra 6 months extension on their patents if they would provide a study to determine if the drug was beneficial to young people. Upon completion of that study, the FDA grants a pediatric exclusivity to the drug which the drug companies then used as a marketing tool to promote and increase drug sales.

The grant of pediatric exclusivity only takes place upon completion of a study without anyone knowing what the study says about the safety, the effectiveness and dosage requirements for young people. There is no requirement to change the labeling on the drug to reflect the changes needed. There is no label to tell the doctors what is the proper dosage, how to dispense and use the drug safely. Before we grant pediatric exclusivity to a drug and it is then marketed as being FDA approved for pediatric use, we should at least know what is the effect of the drug on young people.

Under the current bill, after the study is completed, exclusivity is granted, but whether the drug helps or hurts young people remains a secret and is not disclosed to doctors, patients, or their families. Physicians, patients, and their families should have a right to know about the drug before they ingest it.

If Members take a look at this chart, Lodine was approved on December 6, 1999; it was 9 months later before we had a label change. What did the label tell the doctors, an approximately two times lower dose than has been recommended for adults. For 9 months they did not know to lower the dosage.

Buspar is another drug that got pediatric exclusivity just for doing a study. Safety and effectiveness were not established in patients. The drug did not even work on young people.

Fluvoxamine, approved on January 3, 2000. On September 28, 2000, they make a label change. What does it say? Girls 8 to 11 years of age may require lower dosage. Why does it take 8 months for a doctor and a family to know?

How about Propofol, granted August 11, 1999? Label change February 23, 2001, 18 months later. Serious bradycardia can result from it. It is not indicated for pediatric ICU sedation, as safety has not been established. Incidence of mortality, twice as great.

Mr. Speaker, we need to know that before this drug is put out on the market and it is marketed by the drug

companies as being FDA approved for pediatric use. Why should it take 2 to 18 months, and an average of 9 months? Under the current bill, it can go as much as 11 months.

Pediatric exclusivity, the only time labeling is not required is when we are dealing with pediatric exclusivity. Why should we endanger our children?

I cannot offer an amendment, the amendment I offered in committee, I cannot offer it because we are under the suspension calendar. I am asking Members to reject this bill on the suspension calendar. Let us make it better.

Even the FDA says the goal of pediatric exclusivity is labeling. We need to put the label on so we have the information before the doctor prescribes and before the consumer takes this drug. I cannot understand why the majority would not want doctors, patients, and families to know the effect a drug may have on their children.

What is the proper dosage? What is the effectiveness of the drug? And is the drug safe for our children? Why do we have to wait an average of 9 months to find out after this drug is dispensed to our children whether a drug is safe and did the child receive the proper dosage? We need to know that before children take the drug, not 9 or 11 months after.

Mr. Speaker, defeat this legislation on the suspension calendar so we can offer an amendment to tell the drug companies no pediatric exclusivity until a drug is properly labeled, before our children take that drug. Defeat this bill on suspension. Bring it back to the floor with the Stupak amendment to tie pediatric exclusivity to proper labeling.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Michigan.

First of all, the gentleman knows that he offered three amendments to the committee, two of which were accepted; and the gentleman voted for the bill in committee.

On the last part, I want to make it clear to the House that current law section 502(n) and 301(z) in the regulations that interpret that law prohibit the marketing of exclusivity until the pediatric indication is on the label. That is the law today. What we do in this bill is go further. We make it a priority review on the pediatric indication, and we put a time certain after which it is misbranding if the pediatric indication is not on the label.

The point I am making is that the problem the gentleman is concerned about is already covered in the law as a violation. A pharmaceutical company is prohibited under the law today to market a drug's exclusivity without the pediatric indication being on the label. That is, under current law, prohibited.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS).

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

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

Mr. BILIRAKIS. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, it has been good working with the majority. We cannot agree on this amendment. Even the FDA has asked for this amendment. When they testified before our committee in January, they said the weakness is labeling. ''The goal of pediatric exclusivity should be labeling,'' that is a quote from the FDA.

Section 552 does not work in the real world; that is why we need this amendment.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the bill. If it is not broken, do not fix it. According to the FDA, ''The pediatric exclusivity provision has been highly effective in generating pediatric studies on many drugs and in providing useful new information and product labeling''; that is a quote from them.

The American Academy of Pediatrics states that they ''cannot overstate how important this legislation has been in advancing children's therapeutics.'' The Greenwood-Eshoo legislation reauthorizes this important program, which has worked, for an additional 6 years. It keeps the present incentive in place and makes important improvements. The legislation ensures that off-patent generic drugs are studied, and tightens the time line for making labeling changes.

We heard from the gentleman from Michigan (Mr. STUPAK) before. He believes that this program does not do enough to ensure that pediatricians get access to labeling information. We have worked diligently to address these concerns. The gentleman from Michigan (Mr. STUPAK) I think would be the first one to agree. For 5 hours today, staff has worked together on the bill. Agreement was reached. The gentleman from Michigan (Mr. STUPAK) was concerned, as we all are, that in fact the providers are made aware of any problems that result or any potential problems that result as a result of the testing.

We agreed that there would be language in the legislation that would require the manufacturer to share a summary of the tests and whatnot with all providers. That was agreed to by the gentleman from Michigan (Mr. STUPAK), or at least by his staff. I will put it that way. As I understand it, there is a change of mind in that regard.

We agree that the providers should know. We have worked very diligently to address that. Our bill does make pediatric, what we call ''priority supplements,'' which will speed up the process for getting new labels. Second, by giving the Secretary authority to deem drugs misbranded, we guarantee label changes will be made. We believe, and children's groups agree, that the changes we make are the right compromises to maintain the incentives and get labels changed.

Mr. Speaker, I would like to acknowledge the hard work of the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentlewoman from California (Ms. ESHOO). Their bill enjoys strong bipartisan support. The companion bill passed the Senate without opposition. This bill favorably passed the Committee on Energy and Commerce by a 41-to-6 vote.

I thank the staff that worked so very long and hard on this legislation, including John Ford and David Nelson with the minority; Eric Olson with the office of the gentlewoman from California (Ms. ESHOO); Brent Del Monte with the majority staff; Alan Eisenberg from the office of the gentleman from Pennsylvania (Mr. GREENWOOD); and finally, Mr. Steve Tilton, of my staff. I ask all Members to support this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN) the original author of the Waxman-Hatch Act, who understands the importance of generic drugs and generic competition.

Mr. WAXMAN. Mr. Speaker, before the Greenwood-Eshoo bill which is now under consideration, there was a law called the Greenwood-Waxman bill. It was passed in 1997. It was an attempt to get the pharmaceutical companies to do studies on the dosage and the reactions of drugs for children.

I supported that bill, as the original cosponsor, but I think it was a mistake because we are overpaying for the work of the pharmaceutical companies to test for children. The cost of exclusivity, which was the price we said we would pay for them to do these tests, has exploded beyond any relation to the cost of a drug company doing the pediatric studies.

In the case of one heartburn drug, exclusivity provided between a 30,000 and a 60,000 percent return on the company's investment. The trial was estimated to have cost between $2 and $4 million. The exclusivity is estimated to be worth more than $1.2 billion. In turn, this windfall contributes to skyrocketing insurance premiums, rapid growth in Medicaid budgets and the soaring out-of-pocket costs for seniors on Medicare.

As with each of the delays the drug companies use to postpone generic competition, each time we extend patents or exclusivity, it costs patients money. If we look at just 25 more drugs that are coming up for exclusivity soon, this law will add at least $11 to $12 billion to the Nation's health care bill. The entire budget of the National Institute of Child Health is less than one-tenth of these windfalls, in fact, less than gained for the heartburn drug

alone. This is irresponsible public policy. It is bad for the budget, bad for helping us secure a Medicare drug benefit, and bad for the American public that pays for these drugs.

But the supporters of the drug say, if we do not pay this highway robbery to the drug companies, the companies will stop doing research on children. That is not true. We do not have to pay that much. In subcommittee and in committee, I offered an amendment to provide generous, but not excessive payments to the drug companies to do pediatric trials. We would have paid them twice the cost of doing the trial, 100 percent return on their investment should be enough for anyone.

Although I offered to accept a friendly amendment that would have made it 200 percent, 300, 400, or 500 percent profit, but not even that was good enough for the pharmaceutical manufacturers.

This debate is about how seriously distorted the pharmaceutical marketplace has become, and no wonder senior citizens and people with disabilities and insurers are screaming about drug costs. I am particularly concerned that this legislation results in a windfall for drug makers without even getting the public health and pediatric benefits that were promised.

If we are getting anything back from drug companies, it is supposed to be new information for parents and pediatricians. But as the gentleman from Michigan (Mr. STUPAK) has pointed out, even drugs that are given exclusivity have not been getting their labels changed. He has an amendment that would link the exclusivity to the actual label change. The label change is important. That is what we are paying for. It is the information about the pediatric trials; and the drug companies are getting their side of the bargain, an extended patent period. But the consumers, especially the pediatricians, are not getting what we are bargaining for, which is the information for them to make the best judgment for children.

□ 2000

I would have hoped that the House would have given a chance to debate and support the Stupak amendment and not put this bill on the suspension calendar. I think on the substance of it, it is a bill that is poorly thought out in light of the experience we have had, and I will oppose the bill. But I would also oppose it because the suspension calendar is not the appropriate place for this legislation where an important amendment like the Stupak amendment should be given a chance to be debated.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. TOWNS) for whom all of us share great sympathy and concern tonight as New York again experiences another tragedy.

Mr. TOWNS. Mr. Speaker, how soon we forget.

I would like to remind my colleagues of the practice of pediatric medicine before 1997. We need to remember just how difficult it was for physicians to know the proper dosages of certain medicines for their small patients. Is half of an adult dose enough, too much or too little? Before 1997, many children were denied access to medicines because drugs were not produced in dosable forms that could be used by pediatric patients. It was not very encouraging to be a pediatrician prescribing medicine to children, breaking pills in half, breaking pills into quarters; and it was mostly guesswork.

Let me remind my colleagues of what happened in 1997 that changed the practice of pediatric medicine. Let me remind my colleagues, because it happened right here on this floor. We passed the Better Pharmaceuticals for Children Act, which was enacted into law as part of the Food and Drug Administration Modernization Act. You remember this, I hope. Our colleagues saw the importance of enacting this legislation and providing an incentive for research-based pharmaceutical companies to conduct research on pediatric indications for medicines. The Better Pharmaceuticals for Children Act provided additional market exclusivity as an incentive for pediatric studies on new and existing pharmaceuticals. This act will expire on January 1, 2002, unless we pass this legislation before us today to reauthorize it.

Let us pass it so we can protect our little ones, because the health of our children has been greatly improved as a result of this act. Let us not go away saying that we should continue to do guesswork.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DEUTSCH), who believes that Astrazeneca's $4 million investment in Prilosec and $1.4 billion in higher prices to consumers is wrong.

Mr. DEUTSCH. Mr. Speaker, there really is no such thing as a free lunch, and what this legislation does is it gives 6 months of additional exclusivity for these companies.

Again, I think it is interesting, first of all these companies develop these drugs without knowing that they would get the additional 6-month exclusivity, so this was not a factor in any of the research to develop the drugs. None of these drugs are being developed because of it. It really is a gift of this additional 6 months of exclusivity.

When we are talking about these billions of dollars, the $1.4 billion for Prilosec or for Prozac about $900 million or for Pepcid $200 million or for Zestril $300 million or for Claritin $580 million, what are we talking about? We are talking about additional profit for these companies. That is not make-believe profit. That profit, that monopoly profit, is coming from our constituents, from us, out of our society, for monopoly reasons, for no good reasons, because the reality is that these drugs would be developed for an incredibly, it seems almost unreal the numbers, the magnitude of what we are talking about.

The gentleman from California (Mr. WAXMAN) mentioned in the committee that he offered a 100 percent return, 200 percent return, 300 percent return, 400 percent return. It is almost like the Biblical tale when they are saying how many righteous people does it need to save the city. And the reality is it did not matter. It did not matter how many righteous people were needed. It does not matter how much profit could be made, because that is what the majority and the supporters of this bill want to see happen. The drugs would be developed, anyway.

As the ranking Democrat on the subcommittee in the introduction to this debate said, we are all for increasing the availability of prescription drugs for children. In fact, there is nothing about the proposals that we offered in the committee, the substantive proposals, that would make less. In fact, they probably would make more because of the availability of not just doing it for drugs that are blockbusters but for other drugs. But those amendments were rejected in the committee.

I urge my colleagues to defeat this bill on suspension. We have the opportunity on a regular order basis to offer amendments. And also to educate our colleagues as much as we possibly can about this. I think this is one of these issues that the light of day shines very brightly; and as it shines very brightly, I believe that in fact it would lead to a program such as some of the proposals in the committee that would not have the $10 billion of these drugs, the 24 drugs that we are talking about, $10 billion that literally is taken out of the pockets of our constituents and given as additional monopoly profits, total monopoly profits to the drug companies. That is the cost of this bill. For my colleagues or anyone who votes for it, I think that should be your standard. You are paying $10 billion for what the reality is you can pay maybe $40 million for. The scale is that dramatic. There is no reason for us to be doing that.

Defeat the bill. I urge my colleagues to vote ''no.''

ESTIMATED COST TO CONSUMERS OF A SIX-MONTH PEDIATRIC EXCLUSIVITY EXTENSION FOR 24 POPULAR DRUGS

Drug	Manufacture	Status of Exclusivity	2000 Sales	Cost to Consumers	Benefit to Brand-Name Drug Manufacturers
Prilosec	ASTRAZENECA	Received	$4,102,195,000	$676,862,175	$1,435,768,250
Prozac	ELI LILLY	Received	2,567,107,000	423,572,655	898,487,450
Pepcid	MERCK	Received	568,684,000	93,832,860	199,039,400
Daypro	SEARLE	Received	163,783,000	27,024,195	57,324,050
Plendil	ASTRAZENECA	Likely to Receive	169,716,000	28,003,140	59,400,600
Zestril	ASTRAZENECA	Likely to Receive	833,359,000	137,504,235	291,675,650
Claritin	SHERING	Received	1,667,347,000	275,112,255	583,571,450
Mevacor	MERCK	Likely to Receive	216,661,000	35,749,065	75,831,350
Monopril	BRISTOL MEYERS SQUIBB	Likely to Receive	233,969,000	38,604,885	81,989,150
Paxil	SMITHLINE BEECHAM	Likely to Receive	1,807,955,000	298,312,575	632,784,250
Viracept	AGOURON	Likely to Receive	315,510,000	52,059,150	110,428,500
Zocor	MERCK	Likely to Receive	2,207,042,000	364,161,930	772,464,700
Zoloft	PFIZER	Likely to Receive	1,890,416,000	311,918,640	661,545,600
Ultram	JOHNSON RW	Received	601,465,000	99,241,725	210,512,750
Celebrex	SEARLE	Likely to Receive	2,015,508,000	332,558,820	705,427,800
Cipro	BAYER	Likely to Receive	1,023,657,000	168,903,405	358,279,950
Flovent	GLAXO WELLCOME	Likely to Receive	647,980,000	106,916,700	226,793,000
Serevent	GLAXO WELLCOME	Likely to Receive	448,923,000	74,072,295	157,123,050
Glucophage	BRISTOL MEYERS SQUIBB	Received	1,629,157,000	268,810,905	570,204,950
Avandia	SMITHLINE BEECHAM	Likely to Receive	617,629,000	101,908,785	216,170,150
Duragesic	ALZA	Likely to Receive	352,934,000	58,234,110	123,526,900
Prevacid	TAP PHARM	Likely to Receive	2,832,602,000	467,379,330	991,410,700
Imitrex	GLAXO WELLCOME	Likely to Receive	747,631,000	123,359,115	261,670,850
Norvasc	PFIZER	Likely to Receive	1,597,091,000	263,520,015	558,981,850
Total-24 Drugs			29,258,321,000	4,827,622,965	10,240,412,350

Mr. TAUZIN. Mr. Speaker, we have heard from the laymen. It is time now to hear from the distinguished gentleman from Georgia (Mr. NORWOOD), to whom I yield 2 minutes.

Mr. NORWOOD. Mr. Speaker, I think that it is perfectly clear to me and perhaps to other Members that there really are people in our body that just do not like the pharmaceutical industry. It is a little baffling to me. I do not impugn their motives, I do not question their motives, I just do not understand it because this is a bill not about profits; but this is a bill about making sure that medications that are produced for adults are then further studied for children. I do not understand exactly why a system that has worked so well and has produced what we wanted it to do should be attacked so tonight.

I have time only to make just one point, but the pharmaceutical industry does not choose which drug is to be studied. Therefore, it does not choose which drug can have 6 months' extension on its patent. Not every drug is eligible for pediatric exclusivity. The decision about whether to issue a written request, that rests with the FDA. That is not based on dollars and cents. It is based on which medication needs to be studied. If there is no written request, there is no opportunity for pediatric exclusivity which means the 6 months' extension on their patent. Hence, and for sure, blockbuster drugs like Rogaine and Viagra will never gain the ability to have pediatric exclusivity.

Lastly, I think just on labeling, I want to point out to you that when you go to the drug store and you get your little plastic vial and it has a label on it, the label on the medication is the doctor's orders. The pediatrician has written to the pharmacist what we want on the label. And to imply that pediatricians in this country simply do not have enough sense to understand that a drug produced for an adult has to be changed for a child is wrong. I give them credit to know that they worry about what they write and what kind of prescription they write, and they carefully put the label through the pharmacies on the drug.

I encourage my colleagues to vote for this and let us go forward and study these drugs for the children of this country that has proven to be reliable, the system that we have been under lately.

Mr. BROWN of Ohio. Mr. Speaker, how much time does each side have?

The SPEAKER pro tempore (Mr. OTTER). Each side has 3 minutes remaining.

Mr. BROWN of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. PALLONE), who knows that Eli Lilly's $4 million investment in Prozac and $900 million increase in profits robs consumers.

Mr. PALLONE. Mr. Speaker, I listened to what the gentleman from Georgia (Mr. NORWOOD) said about perhaps some of us who are opposed to this bill not liking the pharmaceutical industry. Let me say that is not true. The pharmaceutical industry is a major industry in my State and particularly in my district. But the point that I think those of us opposed to this bill are trying to make is that there is no reason to continue a Federal program that can provide the same service for much less cost to the consumer at a time when we know that the high cost of prescription drugs is making it difficult for consumers to have access to them.

We all agree in this debate, Mr. Speaker, that we have an enormous responsibility to our children. I have three children, 4, 6, and 8 years old. Above all else, we must ensure that the prescription medications our children may have to take are in fact tested appropriately and deemed safe for children. But the intent of this law was to create an incentive for companies to discover new pediatric uses for their products in exchange for 6 months of exclusivity for the work done.

There are several drawbacks. When the other side says that this program works, I would maintain that it does not work. It certainly does not work as well as it should. According to the HHS report on the pediatric exclusivity provision, the FDA's interpretation of the law has in essence been granting companies patent extensions without receiving the pediatric benefits it was intended to generate. The report states that the incentive has naturally tended to produce pediatric studies on those products where the exclusivity has the greatest value to the product's sponsor. This has left some drugs of importance to children, but for which the incentive has little or no value, unstudied.

Additionally, I am concerned that granting 6 months of exclusivity has a very dramatic financial impact on consumers. This type of a patent extension serves as yet another obstacle that blocks access to generic drugs for consumers, forcing seniors and others to pay higher prices because lower-cost alternatives are needlessly kept off the market. The HHS report states again that the Secretary finds that the impact of the lack of lower-cost generic drugs on some patients, especially those without health insurance and the elderly, may be significant.

Mr. Speaker, I cannot emphasize enough that testing of drugs for pediatric use is essential. Again, I have small children so I understand that. However, I feel that reauthorizing the pediatric exclusivity provision would simply provide tightly budgeted dollars to an industry that can afford to protect children's health with less of an incentive. I said in committee and I will say again on the floor, I do not think the pharmaceutical industry needs an incentive to conduct studies to ensure safety for children. Frankly, I think they should do it as a public service. But as the gentleman from California (Mr. WAXMAN) said, we are not asking them to do it for free. We have stated many times that we would provide twice the cost for profit or 200 percent or 300 percent, whatever. We

offered all these amendments in committee. But the bottom line is that they are getting a windfall, and it is too much of a windfall. This was something we tried, but it does not have to be repeated again because it is not helpful to the consumer.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield the balance of my time to close on this important bill, which is supported by every children's health group in America, to the gentleman from Pennsylvania (Mr. GREENWOOD), the author of the legislation and the chairman of the Subcommittee on Oversight and Investigations.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding time, and I thank him for his great support in moving this legislation to the floor tonight. It has been a good debate; but I think at the end of the debate it is time to get our focus back on what this bill is about. It is about children. That is why it is called the Best Pharmaceuticals for Children Act.

In the history of medicine in America, we could never figure out a way to get the drug companies to do studies on children, delicate children, children who get sick from taking drugs. We could never find a way to get these studies done so we could bring the benefits of modern medicine that the elderly enjoy, that the middle-aged enjoy, fully to the children of America.

□ 2015

It could not be done. In 1997, my Democratic proponent of this bill, the gentleman from California (Mr. WAXMAN) and I, wrote legislation that did that. We broke the impasse after all of those years, and we have just begun to reap the benefits from it. The children of America have just begun to reap the benefits from it.

The Federal Food and Drug Administration said, ''The pediatric exclusivity provision has done more to generate clinical studies and useful prescribing information for the pediatric population than any other regulatory or legislative process to date,'' period. That practically says it all.

But there are two arguments that have been raised. The gentleman from Michigan (Mr. STUPAK) raises a relatively arcane argument about labeling. This bill is all about labeling. This bill is about making sure that when a doctor sees a sick child and a doctor thinks medicine is good for that child, the doctor can open the box, pull out the pills, read the label and find what is the best dosage for children.

How do we do that? We do that by creating an incentive for these studies to be done. And when the pediatric exclusivity is determined has nothing to do with how the product is marketed. The fact of the matter is, we give them 6 months exclusivity, and in return, we get decades and decades and decades of good knowledge about how to make sick children well.

You can take my word for that, or you can take the word of the gentleman from Michigan (Mr. STUPAK) on that, or you can take the words of the General Accounting Office, which said ''The pediatric exclusivity provision has been successful in encouraging drug sponsors to generate needed information about how drugs worked in children. The infrastructure for conducting pediatric trials has been greatly strengthened.''

Now, there is a second argument. The second argument is this question about are we paying the drug companies too much to do these tests?

The basic premise of the bill is this: If the FDA asks you to study your drug on children and you do the study, you add 6 months to your patent before it expires. It is the same for everyone.

Now, the tortured logic of the opposition is, here is what we should do: If your drug is so successful in reducing suffering in America, so successful in curing the disease, you get penalized; now, if you have a drug that is not so successful, not a lot of people take it, it does not seem to be all that popular with the medical community, well, we will let you make more.

We want to penalize success, and to penalize these companies for easing the pain and the suffering of Americans through the products they make is ridiculous. We ought to all get behind this bill, like every children's health group in America has, and support it overwhelmingly because it deserves that kind of support.

Today, Mr. Speaker, I am happy that the House is considering H.R. 2887, the Best Pharmaceuticals for Children Act.

This bill is the essence of bipartisan policy. It was reported out of the Energy and Commerce Committee by a vote of 41–6, and the Health Subcommittee by a vote of 24–5. Chairman TAUZIN and Chairman BILIRAKIS thank you for your leadership in moving this bill from committee to the floor.

Mr. Speaker, I am also pleased to have worked with Ms. ESHOO and the 16 other members of the minority who have cosponsored this legislation.

H.R. 2887 represents public policy at its best. There are now 197 drugs being studied that are undergoing 400 studies with respect to how these drugs affect kids. Contrast this with the change from the prior 6 years, when only 11 studies had been done.

As the Food and Drug Administration itself said in its report to Congress, the Better Pharmaceuticals for Children Act has had ''unprecedented success,'' and ''the pediatric exclusivity provision had done more to generate clinical studies and useful prescribing information than any other regulatory or legislative process to date.''

This act has helped get drugs to kids who need them, let us better understand how drugs work in kids, and also know when we should and should not be giving kids certain drugs. Or as Linda Suydam, the FDA representative who testified before the Health Subcommittee earlier this year pointed out, ''The results speak for themselves.''

Let me give an example of how this has worked:

Take LODINE, which is prescribed for juvenile rheumatoid arthritis. This drug did not have safety and effectiveness in children established prior to this program. With the studies, we have determined a new indication for children 6–16 years in age and recommended a higher dosage in younger children.

Contrast this with the traditional mindset of just ''taking the pill and breaking it in half'' to determine the dosage for children.

This has been an incredibly effective law. But we can do even better.

Six of the 10 most used drugs by children have not been studied because they are off-patient. This bill will provide the funds for the studies to be completed on those off-patient drugs that are used so often to treat our children. Furthermore, we have developed a foundation to provide resources for the completion of these studies that will have so much value.

Some will argue that this is a Republican bill, helping drug companies. Nothing could be further from the truth. This bill, which I am proud to work on with Ms. ESHOO, is the very essence of bipartisanship. It passed out of the subcommittee by a vote of 24–5. And today, we have more Democrat cosponsors than Republican, including several members of the committee.

Some of my colleagues on the opposite side of the aisle will try to suggest that this bill is both costly and helps blockbuster drugs stay-off competition. This provision is not about blockbuster drugs. Over half of the 38 drugs that have been granted exclusivity do not even make the list of top 200 selling drugs.

Simply put, this bill is good policy. It is sound. It is tested. It is tried. It works.

We need to reauthorize pediatric exclusivity. Vote yes on H.R. 2887.

Mr. DINGELL. Mr. Speaker, I rise to oppose passage of H.R. 2887, a bill that would continue a program that grants drug companies an additional six month period of market exclusivity, if they conduct tests on the use of their drugs for children. Make no mistake; there is complete agreement on the part of all Members that improved testing and labeling of prescription drugs for use in children is a good thing. The only question for debate is how to accomplish that important public health objective.

In 1997, when this law was enacted, the economy was healthier and drugs were cheaper. Even then, I expressed concern about the detrimental impact this provision could have the availability of generic drugs. It is now my view that we made a mistake in enacting the pediatric exclusivity law. First, it establishes a voluntary ''incentive'' for activity that should instead simply be required. Second, assuming that we choose to provide an incentive, the exclusivity program is more expensive, less equitable, and less efficient than any number of alternatives.

Let there be no doubt. The central feature of this bill, exclusivity, is about further increasing the profits of an already bloated industry—an industry that does not seem to be able to moderate its pricing practices even as it increasingly burdens its customers, American consumers, and taxpayers. For example, one

drug, Prilosec, earned an additional $1.4 billion during the six months of additional monopoly pricing that AstraZeneca enjoyed. Another drug, Prozac, earned Eli Lilly an additional $900 million.

Indeed, of the 38 drugs that have been granted pediatric exclusivity, less than 20 of them now have pediatric labeling. The companies are not even required to make public the results of the studies they agreed to perform. The Committee rejected, unwisely in my view, an amendment by Representative Stupak that would have closed this dangerous loophole in the law by conditioning the grant of exclusivity to actual pediatric labeling. Don't just take my word for it. The American Academy of Pediatrics, the Food and Drug Administration (FDA), and many supporters of this legislation have declared that the absence of pediatric labeling of drugs used by children presents serious health risks to them.

How much did these studies cost the manufacturers? An average of less than $4 million each. How much did this cost American consumers? For only 24 drugs that either have received or will likely receive pediatric exclusivity under this bill, their sponsors will net $11.5 billion and cost consumers $5.4 billion over the five fiscal years of the program. Depending on future price increases, the total windfall to the brand name pharmaceutical industry could easily exceed $20 billion. The Prilosec windfall alone is worth more to AstraZeneca than the Administration's entire 2002 budget request for the FDA.

The impact of pediatric exclusivity falls directly on those who consume the drugs that get the exclusivity. Who are these people? They include seniors, many that cannot afford the prescription drugs they need. And, ironically, pediatric exclusivity can hurt the very people it is intended to help because many unemployed, uninsured, and working poor cannot afford the expensive drugs needed by their children.

During the Subcommittee and Full Committee mark-ups, Democratic colleagues offered amendments that were collectively aimed at enhancing the protection afforded to children when they take prescription drugs and designing programs that minimize and equitably allocate the financial burden. Unfortunately, we will not be allowed to offer those amendments today. Any of them would have saved consumers billions and offered the same or better benefits in the accurate labeling of these medicines for children. But the Republican Leadership has chosen to hide behind process and avoid votes on these ideas. I urge my colleagues to vote no so we can have the opportunity to craft a more efficient and equitable way to accomplish this important public health objective.

Several potential, and very serious, abuses of the Hatch-Waxman procedures have been uncovered during the course of the discussions with the FDA regarding the technical provisions of this bill. We learned that one company, Bristol Meyers Squibb, had apparently succeeded in convincing FDA that it was entitled to all additional 3½ years of exclusivity for the same pediatric study of its drug, Glucophage, that Bristol Meyers Squibb they had submitted to acquire the initial six months of monopoly marketing. Three of those years of alleged exclusivity were based on the company's claim that a study of some 68 pediatric patients was sufficient to merit a new indication of use claim under Section 505(j) of the Act. Normally, such claims only result in differential labeling between a product that was the subject of a new trial and other therapeutically equivalent products on the market. However, Bristol has apparently succeeded in convincing at least some of the decisionmakers in FDA that the differential labeling regarding pediatric use may constitute a safety risk if not found on equivalent generic products. Because FDA has granted three-year exclusivity to the pediatric label of Glucophage, Bristol has argued that no generic may be marketed during the pendency of its labeling exclusivity.

Most Members recognize this argument as a fundamental abuse of the system and were the FDA and the Bush Administration to accept the claim, consumers would be harmed. I am happy to note that H.R. 2887 closes this potential loophole by instructing the FDA to approve generic drugs without proprietary pediatric labeling awarded to product sponsors under the Hatch-Waxman Act.

However, this is merely a partial fix of the abuses that can arise from decisions of the FDA that performing 505(j) studies for "new indications" allows the grant of exclusivity for studies that merely segment the population for which there is an already approved treatment. While differential pediatric labeling may not prevent the development of a competitive market for a drug product, generic labeling or labeling based on race, gender or a host of other distinctions within a population could "evergreen" the monopoly enjoyed by a drug manufacturer and the inflated prices charged all consumers.

Not surprisingly, attempts to close this potential three-year loophole were opposed by the brand name industry. We can now expect a rush of petitions to the FDA to approve special labeling for sub-populations that, in many cases, will cost consumers billions of dollars for each drug. Even worse, such studies would divert research dollars into preserving existing monopolies instead of developing new products, the purpose of government protection. This would be quite a legacy for the FDA, for the Bush Administration, and for the House Republican Leadership.

Ms. DEGETTE. Mr. Speaker, I rise today in support of H.R. 2887, the "Best Pharmaceuticals Act for Children." Passage of this bill will continue to enhance our understanding of which medications are safe and efficacious for children by reauthorizing the pediatric exclusivity program.

I thank Chairman TAUZIN and Mr. GREENWOOD for including two of my provisions in this bill. Their inclusion will help to ensure that the program works for all children. These provisions will aid in increasing the representation of ethnic and racial minority children in clinical trials covered under the Act. It certainly has the potential of impacting the families of half my constituents—49.5 percent of who are ethnic or racial minorities.

My provisions require General Accounting Office to conduct a study to examine the extent to which minority children are adequately represented in studies covered by Act. The study will also explore whether drugs used to treat diseases that disproportionately affect ethnic and racial minorities are being studied for their safety and efficacy. This line of inquiry is key as myriad diseases including diabetes, heart disease, sickle cell anemia, and others disproportionately affect ethnic and racial minorities, we must ensure that medications used to treat these ailments are studied.

Additionally, the bill permits the Secretary of Health and Human Services to take into account the presence of adequate representation of ethnic and racial minority children when negotiating written protocols with clinical sponsors. This additional language highlights the need to include this population among study participants.

Mr. Speaker, both additions to the bill help to ensure that all children, white, black, and brown receive the best health care possible. The demographic changes that are anticipated over the next decade magnify the importance of this issue.

While I am in support of this measure, I am concerned that its placement on the suspension calendar precludes Members who have concerns about the bill from bringing their issues and proposed solutions to the House floor for consideration by all Members. I hope their issues are addressed as we work out the differences between the Senate and House passed versions.

Ms. HARMAN. Mr. Speaker, I would like to thank my colleague from California for the opportunity to speak in support of this important legislation.

The Best Pharmaceuticals for Children Act is about harnessing the promise of the most advanced pharmaceuticals for the most vulnerable members of our society. Dr. Jay Lieberman, a pediatric disease specialist from my district, has told me that literally every day he sees children with serious, sometimes life-threatening infections, on whom he must use antibiotics and other drugs that have not been tested to determine how safe they are for children.

"Are we using too much drug?" he asks. "Not enough? Will there be adverse effects in children that have not been seen in adults? We can only hope that our sickest infants and children don't die because of our ignorance."

We must do all we can to end this ignorance, and thanks to the extension of patent exclusivity for companies that test their pharmaceuticals for children, we have already accomplished much. Over the past four years. pharmaceutical companies have dramatically increased the number of pediatric trials for new prescription drugs. More products are being labeled with the proper dosage for children and potentially harmful interactions, and more companies are conducting research into special drug formulations for children.

Today we have the opportunity to act to renew and strengthen the legislation that has made this possible. I urge all my colleagues to vote for the Best Pharmaceuticals for Children Act.

Mr. UPTON. Mr. Speaker, as an original cosponsor of H.R. 2887, The Best Pharmaceuticals for Children Act, I am very pleased that we are taking it up tonight under the Suspension Calendar. As the FDA's report to Congress earlier this year indicated, "the pediatric exclusivity provision has been highly effective in generating pediatric studies and in

providing useful new information on product labels." It is important that we reauthorize this very effective program to protect and improve children's health.

The bill before us today makes some important improvements in current law. Under current law, there is little incentive to perform the studies necessary to label off-patent drugs for pediatric use. This bill establishes a federally funded program operated through the NIH and the FDA to contract for studies of off-label drugs. It also establishes a nongovernmental foundation to fund these studies as well as other pediatric research. I have confidence that this foundation's work will be generously supported by the pharmaceutical industry, which indicated in a recent letter to Chairman Tauzin that "such a charitable foundation is an excellent idea."

Third, the bill provides the user fees that the FDA has requested to speed up the consideration of applications for labeling changes to reflect pediatric use and gives priority status to the review of these applications.

Fourth, the bill establishes an Office of Pediatric Therapeutics at the FDA to coordinate and oversee pediatric activities across the agency.

Mr. Speaker, I urge all of my colleagues to join me in supporting the Best Pharmaceuticals for Children Act. In the interest of children's health, we cannot allow the pediatric exclusivity provisions to expire at the end of this year.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on October 11, 2001, the Committee on Energy and Commerce favorably reported H.R. 2887, the "Best Pharmaceuticals for Children Act." I commend the Committee for its great work to reauthorize legislation to promote labeling of prescription drugs for use in children. As the Chairwoman of the Congressional Childrens' Caucus, I am concerned that a section of this legislation may violate the Takings Clause of the United States Constitution. As a member of the Committee on the Judiciary, I have vigorously sought to protect private property rights and to pursue just compensation for those whose property rights are violated. My analysis of section 11 of H.R. 2887, brings me to the conclusion that it would violate current exclusive rights of manufacturers and in turn expose the U.S. government to substantial claims for just compensation. Attached are legal memoranda prepared by the law firm of Wilmer, Cutler & Pickering that validate my concerns:

MEMORAUNDUM TO THE HOUSE ENERGY AND COMMERCE COMMITTEE

Subject: Legal Analysis of the Proposed Amendment to the Hatch-Waxman Act Concerning Approval of Generic Versions of Drugs Without Pediatric Labeling

Congress and the FDA have long sought to encourage pharmaceutical manufacturers to continue researching and refining their products once they are on the market. They have been particularly concerned with developing much-needed clinical research into the efficacy and safety of existing adult drugs for children. To give manufacturers an incentive to engage in research and develop new uses for their products, current law gives manufacturers a three-year exclusive right to market their products with any FDA-approved labeling changes that are based on new clinical research. (Since drugs cannot now be marketed without FDA-approved labeling, this restriction is the equivalent of a three-year exclusive right to market the products themselves.) To provide an extra incentive to conduct clinical research regarding children's health, current law grants manufacturers an additional six-month extension of market exclusivity for any FDA-approved label change based on pediatric clinical trials.

In exchange for this promise of exclusive marketing rights, manufacturers have spent tens of millions of dollars to conduct research into whether their adult products are safe and effective for children and to develop appropriate dosage, indication, and other labeling information for pediatric use. Bristol-Myers Squibb ("BMS"), for example, has spent significant resources on pediatric trials for Glucophage, its type 2 diabetes medicine, and has developed guidelines for the product's safe and effective use for children. BMS did this work at the express request of the FDA, which was concerned that none of the oral type 2 diabetes treatments on the market were approved for pediatric use.

On October 11, however, the House Commerce Committee adopted a proposed amendment to these provisions that would strip away these exclusive marketing rights for existing products like Glucophage. The proposed legislation would likely be found to take pharmaceutical manufacturers' intellectual property within the meaning of the Fifth Amendment, thereby exposing the Treasury to massive claims for just compensation. The proposed legislation also reneges on the express quid pro quo the government has promised manufacturers like BMS, exposing the United States to breach of contract litigation similar to that following the savings and loan crisis. In sum, the proposed legislation presents a certain risk of litigation and a substantial risk of large judgments against the Treasury.

1. THE PROPOSED LEGISLATION WOULD EFFECT A "TAKING" OF PRIVATE PROPERTY FOR WHICH "JUST COMPENSATION" WOULD LIKELY BE REQUIRED

The Takings Clause of the Fifth Amendment to the United States Constitution provides that the federal government may not take "private property . . . for public use, without just compensation." U.S. Const. amend V. The Supreme Court has concluded that intellectual property—including exclusive rights to use such property—is protected by this Clause, and that when such property is taken for a "public use," compensation to the owner of the property must be made. See Ruckelshaus v. Monsanto Co., 467 U.S. 986, 1001–1004 (1984).

Pharmaceutical manufacturers' current exclusive rights to market their products are no different from patents or other intellectual property and would be protected by the Takings Clause. The proposed legislation may interfere with BMS's (and other manufacturers' rights) in at least two distinct ways. First, under current law, including the pertinent FDA regulations governing the "misbranding" of prescription drugs, BMS has the exclusive right to distribute Glucophage for both adult as well as pediatric use. Two separate provisions of the Federal Food Drug and Cosmetic Act ("FEDCA") provide BMS with the exclusive right to label Glucophage for pediatric use. As a result of this statutory exclusivity, another manufacturer may not distribute Glucophage bearing labeling for pediatric use until June 15, 2004.

But the legal effect of the statutory exclusivity is broader than mere pediatric use. Under the FDA'S "misbranding" regulations, manufacturers of prescription drugs must provide labeling information related to pediatric as well as adult use. See 21 C.F.R. §201.57(f)(9). A drug that is "misbranded" may not be marketed or distributed, see, e.g., 21 U.S.C. §352(a), and as a result, generic manufacturers are prevented by current law from distributing Glucophage at all. In short, when BMS obtained the exclusive right to pediatric labeling, the legal effect of that exclusive right was to obtain the exclusive right to market Glucophage for adult as well as pediatric use. According to the proposed legislation, however, BMS would lose this exclusive right, because a generic manufacturer of Glucophage would be deemed to be in compliance with the FDA's labeling laws without including the required pediatric use by including on their labels "a statement that the drug is not labeled for the protected pediatric use" and "any warnings against unsafe pediatric use that the Secretary considers necessary."

Second, the proposed legislation would, as a practical matter, eviscerate the exclusive right to pediatric labeling that BMS obtained under federal law. Once the generic versions are introduced into the market, even though they are not specifically labeled for pediatric use, doctors may nonetheless prescribe those same drugs to children for off-label use. This fairly common practice would eliminate the value of the market exclusivity for pediatric labeling to which BMS is entitled under federal law.

These two incursions onto BMS's rights maybe deemed to constitute a compensable taking of its intellectual property. Courts typically consider several factors when determining whether a governmental action constitutes a taking, including "the character of the governmental action," "its economic impact," and "its interference with reasonable investment-backed expectations." Ruckelshaus, 467 U.S. at 1005. Similar to Ruckelshaus, "force of [the third factor]"—interference with reasonable, investment-backed expectations—"is so overwhelming . . . that it disposes of the taking question." Id. at 1005. BMS obtained the statutory exclusivity only after making substantial investments in clinical studies, doing so in the reasonable expectation that its exclusivity to market Glucophage would be extended for an additional three and one-half years. Even assuming that the BMS did not receive a de jure exclusive right to market Glucophage for all uses, it certainly had the reasonable expectation that its right to exclusive pediatric use would not be later eviscerated by a new labeling regime.

But the other factors also play a key role. The new legislation would have a distinct "economic impact" on BMS, by preventing it from enjoying the valuable intellectual property rights that the FFDCA and the pertinent FDA regulations conferred. And unlike traditional forms of economic regulation, "the character of the governmental action" would suggest that a taking occurred, because the proposed statute would effectively divest BMS of the intellectual property described above.

Accordingly, the proposed legislation presents a substantial risk that the federal government will be forced to compensate BMS for the loss of its valuable intellectual property. Given the large expected sales of Glucophage, the amount of compensation required could likewise be large.

II. THE PROPOSED LEGISLATION WOULD BREACH THE GOVERNMENT'S IMPLIED CONTRACT WITH MANUFACTURERS SUCH AS BMS.

As the FDA recognized when it authorized BMS to begin clinical trials on Glucophage

in children, the absence of information on the use of oral drugs to treat type 2 diabetes in children is a significant public health issue. Type 2 diabetes has become, in recent years, increasingly prevalent in children, recent epidemiological studies indicate that up to forty percent of newly diagnosed diabetic children have type 2 disease. Until last year, however, none of the fourteen oral medications approved for treatment of type 2 diabetes had been approved by the FDA for use in children.

Based on this treatment gap, in 1998 the FDA issued a written request to BMS seeking initiation of clinical studies regarding the safety and effectiveness of Glucophage in children; pursuant to this request, BMS agreed to conduct such studies. By responding favorably to the FDA's request for clinical trials, BMS stood to reap several significant advantages with respect to its exclusivity over Glucophage. Under the exclusivity provisions of the FFDCA, 21 U.S.C. §355a, completion of a pediatric clinical trial in accordance with the FDA's specifications entitles the patent holder to six months' additional exclusivity over the drug. Moreover, under provisions of the Hatch-Waxman Act, 21 U.S.C. §355(j)(5)(D)(iv), and the regulations promulgated thereunder, 21 CFR §314.108(b)(5)(ii), the FDA may grant three years' further exclusivity for labeling changes made possible by clinical investigations. In December 2000, the FDA granted BMS that three-year extension with respect to pediatric indications for Glucophage. In devoting time and resources to its pediatric clinical trials on Glucophage, BMS therefore reasonably relied on its statutory right to six months' exclusivity for following the FDA's pediatric clinical study guidelines, and it right to additional exclusivity under Hatch-Waxman if its research culminated in FDA-approved labeling changes.

By undoing the benefits promised to BMS for completing clinical trials on Glucophage, the proposed legislation would be a breach of contract. As the Supreme Court recently held with respect to Congress's abortive bailout of the savings and loan industry, ''[w]hen the United States enters into contract relations, its rights and duties therein are governed generally by the law applicable to contracts between private individuals.'' United States v. Winstar Corp., 518 U.S. 839, 895 (1996) (plurality opinion). The Court affirmed the core principle of Winstar last year in Mobil Oil Exploration & Producing S.E., Inc., v. United States, 530 U.S. 604 (2000). In that case, the Court was asked to analyze the validity of the Outer Continental Shelf Lands Act (''OCSLA''), which barred offshore drilling for which oil companies had previously paid the United States $158 million to receive permits. The court found that the passage of OCSLA violated the oil companies' rights under the contract, and that the government was required to return the $158 million. Id. at 624. This was the case, according to the Court, despite the fact that the permits the oil companies received only entitled them to pursue drilling if they subsequently fulfilled certain regulatory requirements. Id. at 621. As the Court found, ''[t]he oil companies gave the United States [a benefit] in return for a contractual promise to follow the terms of pre-existing statute and regulations. The new statute prevented the Government from keeping that promise. The breach substantially impaired the value of the contracts. And therefore the Government must give the companies their money back.'' Id. at 624 (internal citations and quotation marks omitted).

Just as was the case in the S & L and oil drilling situations, the proposed legislation here would deprive the party contracting with the government—in this case, BMS—the right to the benefit of the bargain it had struck with the United States. This breach by the government would entitle BMS to bring suit in the Court of Federal Claims under several theories of contract law, and would expose the United States to expensive and protracted litigation.

The SPEAKER pro tempore (Mr. FORBES). All time has expired.

The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 2887, 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. BROWN of Ohio. 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.

AMERICAN SPIRIT FRAUD PREVENTION ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2985) to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

The Clerk read as follows:

H.R. 2985

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 ''American Spirit Fraud Prevention Act''.

SEC. 2. INCREASE IN PENALTIES FOR UNFAIR OR DECEPTIVE ACTS OR PRACTICES EXPLOITING REACTION TO CERTAIN EMERGENCIES AND MAJOR DISASTERS.

(a) VIOLATIONS OF PROHIBITION AGAINST UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—Section 5(m)(1) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)) is amended by adding at the end the following:

''(D) In the case of a violation involving an unfair or deceptive act or practice in an emergency period or disaster period, the amount of the civil penalty under this paragraph shall be double the amount otherwise provided in this paragraph, if the act or practice exploits popular reaction to the national emergency, major disaster, or emergency that is the basis for such period.

''(E) In this paragraph—

''(i) the term 'emergency period' means the period that—

''(I) begins on the date the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

''(II) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency; and

''(ii) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).''.

(b) VIOLATIONS OF OTHER LAWS ENFORCED BY THE FEDERAL TRADE COMMISSION.—Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by adding at the end the following:

''(e)(1) If a person, partnership, or corporation is found, in an action under subsection (b), to have committed a violation involving an unfair or deceptive act or practice in an emergency period or a disaster period, and if the act or practice exploits popular reaction to the national emergency, major disaster, or emergency that is the basis for such period, the court, after awarding equitable relief (if any) under any other authority of the court, shall hold the person, partnership, or corporation liable for a civil penalty of not more than $22,000 for each such violation.

''(2) In this subsection—

''(A) the term 'emergency period' means the period that—

''(i) begins on the date the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

''(ii) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency; and

''(B) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. 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. 2985.

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

There was no objection.

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

Mr. Speaker, September 11 brought this country face-to-face with what was once thought to be an unimaginable series of events. However, these cowardly acts of terrorism sparked in this country an unprecedented level of generosity, an outpouring of spirit, of patriotism, but also of dollars.

Immediately, from every corner of this country, charities were inundated with money, with food, with clothing. Hospitals saw long lines of people offering to donate blood. Here in this Capitol complex Members and wives and husbands and staff lined up to donate

blood. Shelters for the injured and homeless sprang up out of office buildings, restaurants and small businesses. Financial donations alone exceeded $1 billion.

If there is ever any silver lining in this national tragedy that this awful atrocity created upon the people of this land, it is this: We saw the incarnation of the American spirit again, the true strength of our country, the true, indeed, the blessed meaning of the United States of America.

But as with this and any disaster, there are unscrupulous people who will take advantage of that generosity. Unfortunately, this national emergency was no different. On the heels of the September 11 atrocities, we heard stories of scam telemarketers and scam charities trying to collect for ''disaster relief'' and crooks appearing to be affiliated with fire department fund-raising groups going door-to-door asking for funds. H.R. 2985 is aimed directly at these scam artists.

The American Spirit Fraud Prevention Act declares frauds during these times to be different. H.R. 2985 allows the Federal Trade Commission to increase civil penalties for unfair and deceptive acts or practices that exploit this Nation's reaction to a national emergency or a national disaster. With this bill, the FTC can collect up to $22,000 in civil penalties for each and every violation. This will send a strong and unequivocal message to criminals hoping to prey on the kindness of strangers, ''You will pay.''

I want to thank the gentleman from Georgia (Mr. DEAL) and the gentleman from New Hampshire (Mr. BASS), the original sponsors of the American Spirit Fraud Prevention Act. This is an excellent bill. I strongly urge its passage. I hope those who would scam the generosity of Americans in this tragic time will pay attention tonight, because, if they do not, the FTC will see you in court.

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

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

Mr. Speaker, as ranking member on this Subcommittee on Commerce, Trade and Consumer Protection, I am pleased to join the gentleman from Florida (Chairman STEARNS), the chairman of the subcommittee, in cosponsoring H.R. 2985, the American Spirit Fraud Prevention Act. The Committee on Energy and Commerce has reported the bill to the House by voice vote and without any amendments.

Mr. Speaker, this legislation says to any con artist, do not even think about it, trying to capitalize on national emergencies or disasters. It will not be worth it.

For con artists that exploit popular reaction to a presidentially declared emergency or major disaster, this bill requires the Federal Trade Commission to double the maximum civil penalties from $11,000 to $22,000 per violation. The courts have said that each day the fraud occurs constitutes a separate violation subject to the full civil penalties. In other words, it says crime does not pay. At $22,000 a day, it will be very costly for any scam artist to perpetrate frauds that exploit the tragedy of September 11 in New York City.

Fortunately, we have not seen a lot of fraud involving the horrific events of September 11. The FTC reports that it is investigating each and every complaint that is made. So far, no frauds have been identified by the FTC investigation, but let me tell you, those investigations are continuing.

Although there is no evidence yet of collections for phony charities or sales of gas masks or other products that do not perform as advertised, the best way to prevent fraud is to make sure it is well known that fraud simply will not be tolerated. Experience has shown that, given the opportunity, fraud will occur. This legislation makes clear that the price has just gone way up for taking advantage of people in a time of crisis.

Mr. Speaker, I urge my colleagues to vote for H.R. 2985, the American Spirit Fraud Prevention Act.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS), one of the two authors of the legislation.

Mr. BASS. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me time.

Mr. Speaker, a little more than 2 months ago, America was visited by an unspeakable horror. For the first time in more than a century and a half, this Nation was attacked viciously on its own home territory.

In the weeks since September 11, the Nation has mourned, has expressed anger, has been anxious, concerned, but also very generous. The American spirit has reached levels that now stands as a symbol of this Nation's greatness and ability to support a just cause, the relief of the victims of these tragedies and their families.

But we have also seen the darker side of humanity. Reports of people using this tragedy and the generous American spirit for their own gain have appeared. The Department of Justice, the Federal Trade Commission and the States attorneys general have some powers to prosecute those engaged in fraud and deceptive practices, but we must make it clear that we will severely punish those who aim to take advantage of America's charity or an organization's good name during an emergency.

Congress must also make sure that consumers are not inundated with false and deceptive claims about goods and services that would exploit the circumstances of an emergency or disaster. Whether it is selling Cipro or other drugs under false information or offering fraudulent terrorist insurance, these practices must carry a penalty commensurate with their nature. We cannot let the detestable actions of so few mar the pride and patriotism we all share over the phenomenal generosity and outpouring of support from across America and the world. We cannot let the fear and anxiety of our citizens be preyed upon by scam artists peddling their cheats and swindles.

I have no doubt that the victims, their families and friends and all Americans are as humbled as I am with the response of this country. Now we need to ensure that those who would abuse this determined American spirit are equally staggered at our response.

The American Spirit Fraud Prevention Act would double the penalties the FTC could levy during times of presidentially declared emergencies and disasters if the offending action aimed to exploit the crisis. These times, sadly, occur more often than one might think, and the attempts to profit from them follow just as regularly. All hope of profit and gain must be removed from the equation of these people.

I just want to say that this effort would not have been possible without the support of the bill's coauthor, my friend, the gentleman from Georgia (Mr. DEAL); the gentleman from Louisiana (Chairman TAUZIN); the gentleman from Florida (Chairman STEARNS); the ranking member, the gentleman from New York (Mr. TOWNS); and the entire Committee on Energy and Commerce. I thank you all for your help with this, and I urge its prompt passage.

Mr. TOWNS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this legislation gives the FTC the power to protect the consumers. Quite often, when people are grieving, they become extremely vulnerable, and people will go in and take advantage of them. But this legislation says that the teeth are there now, and that the FTC can protect people that have these kinds of problems.

It is my understanding that we have not had a lot of this up to this point, but I think it would be foolish for us not to put the legislation in place to let people know that if you do do it, you will be penalized and you will be penalized severely. I think this legislation does that.

I want to thank my colleagues on the other side, of course, the gentleman from Florida (Mr. STEARNS), and of course, the gentleman from Louisiana (Mr. TAUZIN), and all the others on the Democratic side for the support of this legislation; because coming from New York and knowing in terms of the kind of tragedies that we have had over the past few months, in terms of September 11, and then yesterday in terms

of the crash in Queens, New York, we have had some tough times. I think that we need to make certain that the people do not go through a double kind of tough time by people coming in and defrauding them.

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

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

Mr. Speaker, let me thank my good friend, the gentleman from New York (Mr. TOWNS) for his statement and strong support of this legislation. More importantly, I thank him for his excellent cooperation on this and so many pieces of legislation that we have worked together on in the Committee on Energy and Commerce. You are indeed, sir, a great public servant. I want to thank you for that.

Let me also clarify something: This bill amends the FTC statutes to deal with fraud and scam artists. It does not affect the issue that was heard before our committee just recently on the question of what is being done with the funds raised by legitimate charities, such as the United Way and Red Cross. This does not deal with that. I do not want this bill confused with those good charities who do such good work around our country.

□ 2030

On the other hand, I want to use this opportunity to urge the American Red Cross, who I understand will be here tomorrow for a press conference on the issue raised at our hearings, I think just last week on the subject matter, I want to urge the American Red Cross to reconsider its position. Americans all over this land, in small towns and hamlets and in rural settings, rose to the call of the Red Cross to donate money to the victims and their families in New York and here in Washington and the families in Pennsylvania who suffered on September 11, and raised the unprecedented, I think, $547 million for the Red Cross for that special purpose.

To divert those funds to some other purpose, I believe, in my humble opinion, would not be consistent with honoring the donations of these many millions of Americans to the families who suffered so horribly on September 11. Those donations were made not to the Red Cross, but through the Red Cross to those families. I think the more the Red Cross does, the more the United Way does and the other charities do to get that money to those families, the more the American public will appreciate it, and I think even be more generous to the Red Cross and the United Way and other charities when they are called upon again to respond for whatever tragedies we may suffer, tornadoes or earthquake disasters this country may face in the future.

I understand the Red Cross may tomorrow simply say, if you do not like what we are doing with the money, call us and we will refund it. That is not a good answer. That is a terrible answer. Americans do not want a refund. They want the money they donated for those families to go to those families and they want the Red Cross and other charities to honor those donations.

So again as a friend of the Red Cross, as a supporter of the Red Cross, as a great supporter of the United Way, this Congress has always supported those institutions, I want to urge the Red Cross again to reconsider their position. Those monies were not donated for a reserve account, they were donated through you to the families who suffered on September 11. You ought to have the decency to make sure those families get that money as quickly as you can, because doggone it, that is what Americans intended when they sent that money into you in such record amounts.

Mr. DEAL of Georgia. Mr. Speaker, the tragic events of September 11, 2001 were a blow to this nation. The attacks showed we were vulnerable to an outside attack. As bad as these attacks were, they did showcase the spirit of America. We, as Americans, did not roll over, we came together and showed the world why this land is great.

One way many decided to help was through financial donations to any one of numerous charitable organizations to help those in need. As we have seen over the past several months, Americans have been very generous in their giving. The best of America has been on display. However, just underneath the surface of these kind souls, is a group of individuals that try to take advantage of tragic events and people's generosity.

There are people out there who try to scam money and say it is for relief efforts. They use the telephone and Internet in order to solicit donations. The problems lies in the fact that even though on the surface these solicitations seem legitimate, they are not. The money usually goes directly into the person's pocket and never is used to help those in need. For this reason, I am proud to have been able to work with the gentleman from New Hampshire on this bill. It is important to make the penalties for fraud during times of national emergency so high, no one will attempt such deeds. It is also important that we send a message to the American people that such frauds will not be tolerated and they can feel safe in the fact that anyone who perpetrates such crimes will be punished. Let the American spirit shine through and may we continue to help those in need.

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

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 2985.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRAISING JOSEPH VINCENT PATERNO FOR HIS STEADFAST COMMITMENT TO ACADEMICS, SERVICE, AND CITIZENSHIP, AND CONGRATULATING HIM FOR HIS MANY COACHING ACCOMPLISHMENTS

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 276) praising Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship, and congratulating Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory.

The Clerk read as follows:

H. RES. 276

Whereas Joseph Vincent Paterno coached the Penn State Nittany Lions football team to a 29 to 27 victory over the Ohio State Buckeyes on October 27, 2001, at Beaver Stadium in Happy Valley with 108,327 patrons in attendance;

Whereas that victory was Joe Paterno's 324th career coaching victory, making him the winningest Division I–A football coach in NCAA history;

Whereas Joe Paterno launched what he termed ''The Great Experiment'' on February 19, 1966, upon being named the head football coach at the Pennsylvania State University (Penn State);

Whereas Joe Paterno defined ''The Great Experiment'' as a demonstration that Division I student-athletes can achieve greatness on the field while excelling in the classroom, and can become valuable assets to the community in their postgraduate endeavors;

Whereas Joe Paterno has nurtured 21 first-team Academic All-Americans, 14 Hall of Fame Scholar-Athletes, and 17 NCAA postgraduate scholarship winners;

Whereas from 1996 to 2000 Joe Paterno nurtured 69 Academic All-Big Ten football honorees, more than any other Big Ten Conference institution during that period;

Whereas according to the 2000 NCAA Graduation Rate Report, the 4-year graduation rate of Joe Paterno's Penn State players was 76.5 percent, significantly above the 48 percent national average;

Whereas Joe Paterno and his wife Sue have continually demonstrated their loyalty and commitment to Penn State through volunteer efforts and contributions, including a $3,500,000 gift—the most generous gift ever given to a university by a coach and his family—for academic scholarships, faculty endowments, and campus construction projects;

Whereas immediately following his first national championship in January of 1983, Joe Paterno bypassed the customary acceptance speech and instead pressed the University's Board of Trustees to make Penn State number one in academics as well as athletics and began advocating for the libraries of Penn State;

Whereas Joe and Sue Paterno subsequently served as Co-Chairs of the Campaign for the Library which raised $11,000,000 for an expansion effort that would double the size of the existing library at Penn State's University Park campus;

Whereas the Paternos' generosity and vision were recognized by the vote of Penn

State's Board of Trustees to name the new world-class library after the Paternos, and at the dedication of the Paterno Library at Penn State's University Park campus that occurred on September 8, 2000;

Whereas Joe Paterno has received countless awards for being a role model and mentor for his players, a community leader, and a humanitarian and philanthropist who exhibits and promotes the time-honored values of selflessness, equality, dignity, educational achievement, and community service;

Whereas Joe Paterno has accumulated all 324 of his coaching wins at Penn State, where he is currently in his 52d season as an assistant or head coach;

Whereas Joe Paterno has been on the coaching staff during more than half of all the football games played at Penn State since the football program began in 1887;

Whereas Joe Paterno's coaching career has spanned 11 United States Presidential administrations;

Whereas Joe Paterno led Penn State to 2 national championships, in 1982 and 1986;

Whereas Joe Paterno led Penn State to 5 perfect seasons, in 1968, 1969, 1973, 1986, and 1994;

Whereas Joe Paterno has won 20 bowl games at Penn State, an NCAA record;

Whereas Joe Paterno is the only coach to have won all 4 traditional New Year's Day Bowl games—the Rose, Sugar, Cotton, and Orange Bowls—as well as the Fiesta Bowl;

Whereas the American Football Coaches Association has named Joe Paterno the Coach of the Year an unprecedented 4 times, in 1968, 1978, 1982, and 1986;

Whereas Joe Paterno has coached 55 first-team All-Americans;

Whereas Joe and Sue Paterno are blessed with 5 children and 9 grandchildren;

Whereas Joe Paterno's traditional game-day attire of coat and tie, rolled pantleg cuffs, white socks, and black football shoes is recognized in sporting circles across the Nation;

Whereas Joe Paterno is affectionately known as ''JoePa'' to his extended Penn State family and to the rest of the football world; and

Whereas Joe Paterno received a touching retrospective from his high school mentor at the Brooklyn Preparatory School, the late Father Thomas Bermingham, who said: ''The Father gave me the sense that I was being handed a treasure. Joe is a treasure.'': Now, therefore, be it

Resolved,

SECTION. 1. JOSEPH VINCENT PATERNO.

The House of Representatives—

(1) praises Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship;

(2) congratulates Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory; and

(3) thanks Joseph Vincent Paterno for his contributions to college football, to the Commonwealth of Pennsylvania, and to the Nation.

SEC. 2. TRANSMITTAL.

The Clerk of the House of Representatives shall transmit a copy of this resolution to Joseph Vincent Paterno and to the President of the Pennsylvania State University.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 276.

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

There was no objection.

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

Mr. Speaker, I am privileged to stand in this House tonight and commend the resolution to the gentleman from Pennsylvania, commending Coach Joe Paterno, the coach of the Nittany Lions at Penn State University, who, on October 27, in Happy Valley, Beaver Stadium, before 106,000 people, the Penn State Nittany Lions defeated the Ohio State Buckeyes by a score of 29 to 27. That victory, the 324th in the career of Joe Paterno, established him as the winningest coach in the history of NCAA Division I college football.

But for those who know Coach Paterno the best, this is but a small part of his legacy that he has left to American athletics and American academics. When Coach Paterno was hired in February of 1966 to become the head coach of the Nittany Lions, he pronounced that he was going to attempt what he called ''The Great Experiment.'' He believed it was possible to establish excellence in university athletics and in collegiate athletics while, at the same time, having academic excellence and excellence in community service.

In the 35 years since his being hired as head coach of Penn State University, he has done exactly that: two national championships; four times Coach of the Year in the NCAA, unprecedented. A tremendous number of All-Americans who were academic All-Americans; NCAA postgraduate fellows, and the litany goes on and on. He, his wife, together, in one event, contributed $3.5 million to Penn State University for academic excellence and the pursuit of better academics for that great university. He is steadfast in his promotion of and giving to the library at Penn State University.

Coach Paterno's success on the athletic field as a coach is unprecedented in our country. His example as a role model to all of those that lead student athletes is equally unprecedented.

Coach Paterno was recruited at Brown University to be a quarterback, one of the few colleges in America to recruit this gentleman. In one of his great seasons at Brown University, he finished a record of eight wins and one loss. Following their last victory in that season, proclaiming his excellence, a sports writer wrote, ''Paterno is indeed unusual. He can't pass. He can't run. He just thinks and wins.''

Coach Joe Paterno thought enough of America's youth and the power of athletics to join in together with the power of academics and learning, to produce the highest ratio of student athletes graduating from their institution of any university in Division I in the NCAA. I am pleased, Mr. Speaker, to be a part of this commendation today to Joseph Vincent Paterno, the head coach of Penn State University, the winningest coach in Division I NCAA history.

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

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

I, too, rise in support of H.Res. 276, praising Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship, and congratulating Joe Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory.

During this time of tribulation and trial and uncertainty and terrorism, accidental plane crashes, it is a pleasure to be able to stand up to praise a great American person that exemplifies what America is all about, a man who stands for commitment, stands for the mind, the body, and the spirit.

Joe Paterno is one of the greatest coaches of all times. As has been indicated, he served for 16 years as an assistant coach with Penn State University after playing at Brown and then went on to coach for a total of 51 years. He has been head coach since 1966.

We have heard of his accomplishments. He led the team to 19 bowl victories, more than any other person in his profession. He is the only coach to win four New Year's Day bowl games: the Rose Bowl, the Sugar Bowl, the Cotton Bowl, the Orange Bowl. He also won the Fiesta Bowl. He had five perfect seasons. He had seven undefeated regular seasons. Twenty of his teams that he coached finished in the top 10. Twenty-six of his teams finished in the top 20, and 26 times his team was rated the best in the East.

He went on to break the record of Pop Warner with his 322nd, and then on to beat Bear Bryant with his 323rd, and finally, to have the record with his 324th victory.

He has been selected to the National Football Foundation and Coaches Football Hall of Fame as the first active coach ever to received its Distinguished Americans Award. He has won Coach of the Year honors an unprecedented four times with balloting from his colleagues, an award that is given by one's peers. Paterno sent more than 200 players to the National Football League, two of whom, his linebackers, Jack Ham and fullback Franco Harris, have been enshrined into the Pro Football Hall Of Fame. As a matter of fact, Joe Paterno changed football, finding out that if you have a good quarterback, one good running back, but a host of good linebackers, you can become the national champs.

As a matter of fact, many of his outstanding linebackers came from our State of New Jersey. One reason that Rutgers has not done well and that Penn State has is that Joe Paterno learned that the best football players in the country, especially defensive linebackers that he wanted to highlight, lived in New Jersey. So Joe Paterno would come to the Newark Boys and Girls Clubs Annual Banquet where the all-state team was unfolded by New Jersey's only major paper, the Newark Star Ledger. Joe Paterno would always speak at that dinner and end up with commitments from half of New Jersey's top ball players.

So we certainly appreciate Joe Paterno and what he has meant to New Jersey. I have been in his company on a number of occasions at some of those dinners 10, 15, 20 years ago. One of my local fellows graduated from Seton Hall Prep School; Chet Parlavecchio was one of those linebackers that Joe Paterno took to Penn State. Chet became the cocaptain of the football team and became one of the outstanding players.

As has been indicated, Joe Paterno did not only mold good outstanding ball players, he also was well respected and one of the most admired figures in college athletics because he also had a commitment to academics. This is what Joe Paterno said: ''The players who have been most important to the success of Penn State teams have just naturally kept their priorities straight. Football a high second, but academics an undisputed first.'' That is what Joe called ''The Great Experiment,'' to prove that athletes could also be good students. He changed the image of what an athlete could be.

He is highly recognized for his support of scholarships, as we have heard, $3.5 million that he has contributed to Penn State academics areas. Penn State has produced at least one first team All-American in 30 years in academics. They have graduated over 68 percent of their entering class teams and have had 80 percent of men going to the school for 4 years. Penn State has had 20 first-team academic All-Americans, 14 Hall of Fame scholar athletes, and 16 NCAA postgraduate scholarship winners. He has really done a great job. He is the recipient of three honorary degrees, one from his alma mater, a Doctor of Laws from Brown, a Doctor of Human Letters from Gettysburg College, and a Doctor of Laws from Allegheny College.

So it is a pleasure for us to change the focus here this evening, but to pay tribute to a great American, a person, as I have indicated, that I have been proud to know, a person that I respect as a former high school football coach and track coach back at South Side High School. When I was a teacher, I could really appreciate the combination between athletics and sports. So he is really what we call the real stuff. He is really what makes America great, and I ask my colleagues to support this legislation.

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

Mr. ISAKSON. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. PETERSON), the author of this legislation.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

It is a delight and a privilege tonight to stand here and honor one of America's greatest, my friend, and my colleagues' friend, Mr. Joe Paterno. Mr. Speaker, H.Res. 276, we had hoped to make it H.Res. 324 to honor his 324 victories, but the bureaucracy would not let us do that. But I am pleased to report that this resolution is sponsored by the entire Pennsylvania delegation. They were excited to do that.

□ 2045

If Members had ever had the chance to sit down, meet, and talk with Joe Paterno, it was quickly obvious why he is so successful. I remember vividly one time I sat in his office, expecting to spend 5 or 10 minutes with him, and I was there most of an hour. He oozes enthusiasm. He is real. He is genuine. We talked football, we talked education, and we talked a little politics.

Mr. Speaker, Joe Paterno set the standard that education comes first, then athletics, a priority that all coaches should follow. Joe Paterno coached Penn State's Nittany Lions football team to a 29-to-27 victory over the Ohio State Buckeyes on October 27, 2001, at Beaver Stadium in Happy Valley with over 108,000 patrons in attendance. That victory was Joe Paterno's 324th career coaching victory, making him the winningest Division 1–A football coach in NCAA history.

But Joe Paterno was much more than a college football coach, Mr. Speaker, as is shown by this resolution's referral to the Committee on Education and the Workforce, that says a lot.

After being named head football coach, he launched what he termed ''The Great Experiment,'' and the gentleman from Georgia (Mr. ISAKSON) shared that with us. Mr. Paterno's experiment is succeeding in spades. He nurtured 21 first-time Academic All-Americans, 14 Hall of Fame scholar-athletes, and 17 NCAA postgraduate scholarship winners.

From 1996 to 2000, he nurtured nine Academic All-Big-Ten football honorees, more than any other Big Ten Conference institutions during that period.

According to the 2000 NCAA Graduation Rate Report, the 4-year graduation rate of Joe Paterno's Penn State players was 76.5 percent, more than 50 percent above the 48 percent national average.

Mr. Speaker, Coach Paterno's contributions did not end there. He and his wife, Sue, have been so unselfish with their time and their resources over the years. Joe and Sue have continually demonstrated their loyalty and commitment to Penn State through volunteer efforts and contributions, including a $3.5 million gift, the most generous gift ever given to a university by a coach and his family, for academic scholarships, faculty endowments, and campus construction projects.

Immediately following his first national championship in January of 1983, Joe Paterno bypassed the customary acceptance speech and instead pressed the university's board of trustees to make Penn State number one in academics as well as athletics, and began advocating for the libraries of Penn State.

Joe and Sue Paterno then served as cochairs of the campaign for the library, which raised $11 million for an expansion effort that would double the size of the existing library at Penn State's University Park campus.

The Paternos' generosity and vision were recognized by vote of Penn State's board of trustees to name the new world-class library after the Paternos, and at the dedication of the Paterno Library of Penn State's University Park campus, that occurred on September 8, 2000.

Furthermore, Mr. Speaker, Joe Paterno has received countless awards for being a role model and mentor for his players, a community leader, a humanitarian, and a philanthropist who exhibits and promotes the time-honored values of selflessness, equality, dignity, educational achievement, and community service.

On the field, Joe is in a class by himself. He has accumulated all 324 of his coaching wins, now 325, where he is currently in his 52nd season as head coach. He has been on the coaching staff during more than half of all of the football games played at Penn State since the football program began in 1887, over half.

He has led Penn State to two national championships, in 1982 and 1986. He led them to five perfect seasons, in 1968, 1969, 1973, 1986, and 1994.

He has won 20 bowl games at Penn State, an NCAA record. He is the only coach to have won all four traditional New Year's Day bowl games, and the Fiesta Bowl.

I clearly remember on many occasions, and even recently, when he did not allow one or more of his star players to play in a bowl game. It was more important that they kept the rules than for him to win the bowl game, a message that I think will be felt by those young men and appreciated the rest of their lives.

The American Football Coaches Association has named Joe Paterno the Coach of the Year four times, in 1968, 1978, 1982, and 1986.

Mr. Speaker, JoePa, as he is affectionately known to his extended Penn State family and to the rest of the football world, has coached 55 first-team All-Americans.

In conclusion, I would like to read the closing of this resolution, as well as relay a touching quotation which sums up Joe Paterno best.

First, the resolution reads, ''The U.S. House of Representatives praises Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship;

And congratulates Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career victory;

And thanks Joseph Vincent Paterno for his contributions to college football, to the Commonwealth of Pennsylvania, and to the Nation.

Finally, Mr. Speaker, Joe received a touching retrospective from his high school mentor at the Brooklyn Prep School, the late Father Thomas Bermingham, who said, ''The Father gave me the sense that I was being handed a treasure.''

Yes, Joe is a treasure, our treasure.

Joe, we are so proud of your accomplishments and for the privilege to honor you tonight.

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

Mr. Speaker, it has been said that Joe Paterno has few peers. That is an accurate statement. We are very fortunate to have in this House one of those peers, the former coach of the Nebraska Cornhuskers, the gentleman from Nebraska (Mr. OSBORNE).

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE).

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

Mr. Speaker, I, too, rise to recognize Joe Paterno. Joe's records have been well documented with the tremendous career that he has had with over 52 years at Penn State.

I would like to speak to the issue more as a friend. I have known Joe for roughly 25 years. We have been together often, both professionally and on social occasions. Our teams played against each other on five different occasions. So I have gotten to know him pretty well.

I guess what I would like to focus on are some things about Joe that I have really appreciated as a fellow coach.

First of all, there is the issue of longevity. Fifty-two years at one school is unheard of. I do not know of any other coach, even Amos Alonzo Stag, who has done anything to approximate that number of years, 36 years as a head coach. There is a lot of wear and tear in 52 years of coaching and in 36 years as a head coach. The local folks know you best, so being at one school for 52 years is very similar to being elected to public office 52 straight years, because that is kind of what goes on in the coaching profession.

So he has been a survivor, he has been a great competitor over a long period of time.

Secondly, Joe cared about his players. I think that is probably the greatest compliment that you can pay a coach, because at its worst, coaching can be manipulative, at its best it can be nurturing. Joe was somebody who genuinely cared about the well-being of his players beyond the playing field.

We have talked at some length about graduation rates. There have been a lot of different figures thrown out here tonight. I do not know exactly what the figure is, but obviously he put academics first. If a player did not go to class, he did not get to play, and his academic record was tremendous.

He always was very interested in decorum and discipline. His players always wore coats and ties when they went on the road. I do not believe that he ever had a team that I can remember that countenanced any kind of trash talking or insubordinate behavior on the playing field. I always appreciated that when we played against him.

Then I guess also I would mention that Joe cared about the game of football. In the off season, it is easy to take some time off, but Joe always went to the NCAA meetings and went to the coaches' meetings. He was very instrumental in accomplishing some NCAA legislation that was really critical to college football, and of course the fact that he was recognized four times as Coach of the Year by his peers would indicate how much coaches esteemed Joe and appreciated his work.

Lastly, I would just say that he is a quality person, fun to be around, with a good sense of humor, and a good family man. He and Sue had five children, three grandchildren. His generosity has been mentioned many times.

In conclusion, I would just like to congratulate Joe, not only for achieving a great milestone, but more importantly, I would like to congratulate him for the way in which he accomplished this milestone. We appreciate him very much.

Mr. ISAKSON. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Speaker, I also want to commend the gentleman from Pennsylvania (Mr. PETERSON) for House Resolution 276. But I have to admit I have goosebumps following the great gentleman from Nebraska (Mr. OSBORNE) to talk about one of my heroes.

I rise tonight to honor the achievements of a Pennsylvania icon, Joseph Vincent Paterno. Coach Paterno, or JoePa, as he is affectionately known, became part of the Penn State football family in 1950 as an assistant coach. In 1966 he was promoted to the position of head coach, a title he has held for 35 years and counting.

His success at Penn State is unparalleled: 325 career victories, 20 victories in bowl games, two national championships, four-time Coach of the Year, and six undefeated seasons.

While Joe Paterno has unquestionably set the standard of excellence on the football field, it is his accomplishments off the field that truly make him a cut above the rest.

Among the hundreds and thousands of Penn State players Joe Paterno has coached are an astounding 21 first-team Academic All-Americans. Penn State football players concentrate on academics first and football second. The proof of this is that while the average graduation rate for NCAA college football schools is 48 percent, Penn State players have a remarkable 4-year graduation rate of 76.5 percent.

Joe Paterno does more than coach football. He is a mentor, a teacher, a friend, and an inspiration to all those that he has touched. Coach Paterno's influence and work have extended far beyond the football field. His service to the community of State College and the Pennsylvania State University System is unmatched.

From an unprecedented gift of $3.5 million to Penn State University in 1997 to his chairmanship of the $11 million campaign to expand Penn State's library, Joe Paterno has made education and community development his top priority.

To honor JoePa's devotion to excellence in education, the Penn State Board of Trustees voted to name a wing of the library in his honor.

I congratulate Coach Paterno on the landmark record of 324 career victories, and thank him for all he has done for Pennsylvania, and best wishes for 324 more.

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Mr. Joe Paterno, Head Coach for the Penn State Nittany Lions. Coach Paterno just celebrated his 324th career football victory and continues a steadfast commitment to coaching, community service and education. The 2001 football season has undoubtedly been a remarkable and memorable time for Mr. Paterno and all Penn State fans and alumni.

On October 27, 2001, Coach Paterno railled the Nittany Lions to a 29–27 victory over the Ohio State Buckeyes. This memorable triumph marked Coach Paterno's 324th career coaching victory, making him the winningest Division I–A football coach in NCAA history, a record which will, beyond question, stand for some years to come. That victory surpassed the former record of 323 wins held by the legendary Paul ''Bear'' Bryant. Amazingly, all 324 wins were recorded at Penn State, where Paterno is currently in his fifty-second season as a coach.

Over the years, Coach Paterno's career has far exceeded that of any other collegiate

coach. He led teams to nineteen bowl victories, more than anyone in his profession. He became the only coach to win four New Year's Day games—the Rose, Sugar, Cotton and Orange Bowls. He captured national championships in 1982 and 1986 and had teams finish undefeated, but uncrowned, in 1968, 1969, 1973 and 1994. A few of Coach Paterno's honors include winning the Coach of the Year Award an unprecedented four times in balloting by the American Football Coaches Association. He was selected by the National Football Foundation and College Football Hall of Fame as the first active coach ever to receive its ''Distinguished American Award'' and appeared on the cover of Sports Illustrated as its 1986 Sportsman of the Year.

While holding these prestigious records and awards is certainly an honor for Coach Paterno, it is just one facet of his many accomplishments and commitments throughout the years. Coach Paterno and his wife, Sue, have continually shown their loyalty and commitment to education through their generous contributions and volunteer efforts. The Paterno's have donated more than $3.5 million for academic scholarships, faculty endowments and campus construction projects. This is the most money ever donated to a university by a coach and his family. The Paterno's served as Co-Chairs of the Campaign for the Library, which raised $11 million for an expansion effort that would double the size of the existing library at Penn State's University Park campus.

Mr. Speaker, it is with great pleasure that I commend and congratulate a fellow Pennsylvanian, Coach Joe Paterno, for his many coaching accomplishments, including his 324th career coaching victory, and thank him and his family for their contributions to the community, nation and college football. I am certain Coach Paterno will continue to be a community leader, a philanthropist and most of all, a role model and mentor to many. Thank you JoPa.

Mr. DOYLE. Mr. Speaker, as a proud graduate of the Penn State Class of 1975 and as the only current Democratic Member of Congress to have graduated from Pennsylvania State University, it gives me great pleasure to honor a great institution of Pennsylvania and college football, Coach Joseph Paterno. As an original cosponsor of this legislation, want to extend my heartfelt appreciation and admiration for JoPa's achievements in athletics and academics.

Today, we are considering House Resolution 276, praising Joseph Paterno for his steadfast commitment to academics, service, and citizenship. Additionally, Coach Paterno has managed to win 324 college football games during his tenure in Happy Valley, surpassing football legends like Paul ''Bear'' Bryant and Pop Warner.

On the way to achieving this unprecedented milestone, JoPa has led the Nittany Lions to 19 bowl victories, more than any other Divison 1–A football coach in history, and was selected by the National Football Foundation and the College Football Hall of Fame to receive the prestigious ''Distinguished American'' Award, becoming the first active football coach ever to receive the award.

During his acceptance speech at the 1991 Hall of Fame induction, Coach Paterno said: ''What are coaches? Number one, we're teachers and we're educators . . . we probably have more influence over our young people than anyone other than families.''

We could laud Coach Paterno all day on his outstanding achievements on the football field, and deservingly so, but JoPa always stressed academic success and dedication to community to all his players. He has insisted upon a ''total person'' approach towards cultivating his players, encouraging and developing responsibilities to academics and personal lifestyle in addition to athletic ability.

The Paterno approach not only produces winning collegiate football teams, but also develops educated, well-rounded and successful college graduates. The Grant Experiment of Coach Paterno has produced 20 first-team Academic All-Americans, 14 Hall of Fame Scholar-Athletes, and 16 NCAA postgraduate scholarship winners. The Penn State football team has a 68 percent graduation rate . . . well above the national norm 50 percent. The four-year average rate for the team was 74 percent.

Indeed, Paterno said, ''The purpose of college football is to serve education, not the other way around.''

Joe and Sue Paterno have given much of their lives to college football during Joe's 51 year career at my alma mater, and in 1997, announced their intention to give $3.5 million dollars to endow new faculty positions and scholarships, thus continuing their commitment to academic success. As part of this endowment, special new construction projects are being undertaken, including the Pasquerilla Spiritual Center, a new interfaith chapel as well as an all sports museum to be built on campus.

Coach Paterno once said ''A great library is the heart of a great university.'' He and his wife established the Paterno Libraries endowment in 1984, growing the fund to over $4 million dollars. The Paternos have ensured greatness for library facilities and academics at Penn State by serving as co-chairs of the campaign to expand the Pattee Library. Their efforts helped raise $14 million to expand the library, including a personal contribution of $250,000. The expansion doubled the size of the library, and the University dedicated the new wing in September of last year, aptly naming the new expansion the Paterno Library.

In conclusion Mr. Speaker, I sincerely hope the Members of the House of Representatives will join me in recognizing the contributions Coach Paterno has given to America, not just as a successful football coach, but as an example of loyalty, dedication, and commitment to improving oneself in life. I salute JoPa, and wish him the very best of luck.

Mr. WOLF. Mr. Speaker, I rise today in support of H. Res. 276, to honor Joe Paterno for his commitment to academics, service and citizenship and to congratulate Penn State Coach Paterno for his many coaching accomplishments including his 324th career coaching victory.

I thank my colleague, Congressman JOHN PETERSON, who represents the 5th District of Pennsylvania which includes my alma mater, The Pennsylvania State University, for sponsoring this resolution.

This resolution is a fitting tribute to one of the giants of American college football. It acknowledges the accomplishments of Joe Paterno on the football field as the winning major college football coach in history. He surpassed the former record of 323 wins held by the legendary Paul ''Bear'' Bryant when the Nittany Lions came from behind to defeat Big Ten rival Ohio State by a score of 29–27 on October 27.

What makes the record so special, especially for Penn State alumni and fans, is that all those wins have come as Coach Paterno paced the sidelines as head coach for Penn State, where he has spent his entire coaching career.

This resolution also recognizes Joe Paterno for being a mentor and role model for his players. When he launched ''The Great Experiment'' upon taking the helm in 1966 as head football coach at Penn State, he wanted to demonstrate that Division I college student-athletes could achieve greatness on the football field while also excelling in the classroom and becoming valuable assets to their communities after receiving their degrees and leaving the gridiron.

There can be no doubt that ''The Great Experiment'' has been successful. Joe's teams have twice been national champions. They have had five perfect seasons. They hold the NCAA record for post-season bowl wins at 20. Joe is the only coach to have won all four traditional New Year's Day bowl games—the Rose, Sugar, Cotton and Orange—as well as the Fiesta Bowl. Joe has been named ''Coach of the Year'' by the American Football Coaches Association an unprecedented four times. He's coached 55 first-team football All-Americans.

As significant as all those records and accolades are, there are other statistics in Coach Paterno's coaching career to which I believe he would give greater import. That's the value of ''The Great Experiment'' at Penn State which Joe Paterno places on the student side of student-athlete.

He has coached 21 first-term Academic All-Americans; 14 Hall of Fame Scholar-Athletes; and 17 NCAA postgraduate scholarship winners. In addition, between 1996 and 2000 under Joe's tutelage, Penn State had 69 Academic All-Big Ten football honorees, more than any other big Ten Conference institution during those years. Joe takes great pride in the number of young men in his football program who receives their degrees from Penn State, and in the 2000 NCAA Graduation Rate Report, the four-year graduation rate of Coach Paterno's players was over 76 percent. The national average is 48 percent.

In 1983 shortly after his first national championship, he challenged Penn State's Board of Trustees to make the University number one in academics as well as athletics and began his crusade for the libraries at Penn State. With his wife Sue, Joe served as co-chair of the Campaign for the Library which raised $11 million to expand and double the size of the existing library on Penn State's University Park campus. In a fitting tribute to Joe and Sue, the new world-class facility dedicated last September bears the name Paterno Library.

Joe and Sue Paterno are generous in their tireless work and commitment to Penn State,

not only through their volunteer efforts, but through their financial contributions. Their $3.5 million gift to Penn State for academic scholarships, faculty endowments and campus building projects is the most generous ever given to a university by a coach and his family.

Joe Paterno is one of those rare and wonderful individuals whose life is grounded in the highest of values, integrity, and service and who is true to his God, his family and his fellow man. Penn State and the Commonwealth of Pennsylvania have been blessed with his presence and now it is fitting that the people's House recognize his commitment to academics, service and citizenship and congratulate and thank him for his contributions to college football and to the nation.

We salute Coach Paterno, his wife Sue and his family, all the teams he has lead over the years to victory and all the young men who have not only learned how to play football under his tutelage, but who have learned life lessons from one of the best teachers they could ever have.

Mr. ISAKSON. Mr. Speaker, I ask Members to adopt the resolution.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the resolution, H. Res. 276.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT SCHOOLS SHOULD SET ASIDE TIME TO ALLOW CHILDREN TO PRAY FOR, OR QUIETLY REFLECT ON BEHALF OF THE NATION DURING THIS TIME OF STRUGGLE

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 239) expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism.

The Clerk read as follows:

H. CON. RES. 239

Whereas section 4 of title 4, United States Code, establishes the Pledge of Allegiance to the Flag and describes such Pledge as including the phrase ''one Nation under God, indivisible, with liberty and justice for all'';

Whereas in 1954 President Dwight D. Eisenhower, referring to the reference to God in the Pledge of Allegiance to the Flag, said that the Nation had reaffirmed ''the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war''; and

Whereas President George W. Bush has asked the people of the United States to pray for those who suffered as a result of the atrocities committed against the United States on September 11, 2001: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 239.

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

There was no objection.

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

Mr. Speaker, this resolution encourages and does not require the schools of America to set aside a sufficient period of time for children in America to pray for or reflect on our Nation in this time of battle and tribulation because of the terrorist acts.

Mr. Speaker, I am confident that there will be those who express concern that prayer and schools might be mentioned in the same resolution, but at the outset of this debate it should be quite clear that this is clearly an option and not a mandate.

A lot of things have become quite clear in the United States of America since September 11. It has become politically correct to sing God Bless America rather than fight songs at athletic events. All of us have reflected passionately and quietly and, many times, sadly on the blessings we have individually received and the blessings of this Nation. But we should be vigilant, even in the most terrible trying times possible, to recognize and preserve the constitutional freedoms that make this country great.

Our Constitution prohibits us in this government from establishing religion, but it preserves forever the right of Americans to practice their religion.

□ 2100

Mr. Speaker, there have been many great enemies to the citizens of America in our history. From 1950 through the early 1990s the Soviet Union was one. That was a government that believed that prayer and religion should be nonexistent, and it was basically a cornerstone of that nation. They built an Iron Curtain in Eastern Europe. They preserved themselves for 40 years or a little over, but eventually they died.

On the other extreme there is America's enemy today, the Taliban, that not only establish a religion but force its practice, and only its practice, with the most horrible of retribution to anybody that thinks or meditates differently.

Mr. Speaker, the gentleman from North Carolina (Mr. JONES) has brought to this House a resolution which falls clearly in between those two extremes and precisely why the United States of America was founded in the first place. The gentleman from North Carolina (Mr. JONES) has asked and is asking this house to adopt a resolution that says to our schools, it is appropriate if you choose to establish a period of time, if you will, for those who would pray for our Nation in this time of trouble, to do so in the way they see fit, voluntarily, and for others to reflect on this Nation in our time of peril and distress.

It mandates nothing. It requires nothing. But it recognizes as the motto above the chair of the Speaker which states that in the America we founded, we place the trust in our people, that they could freely worship in the way they saw fit, pay tribute to the God of their choice, and enjoy living in a nation where they had sufficient time to practice their faith their way.

Mr. Speaker, I encourage the Members of this House to adopt this concurrent resolution.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while no one can quarrel with what the supporters of this resolution suggest they want, and that is for reflection and time for children to consider what is going on in this country, once we suggest that the school is going to set aside time for the children to pray or reflect quietly, it does not say that they shall pray quietly, it does not say they shall pray silently, I believe we are now treading into the question of the school setting the content of that prayer.

There is nothing today that prevents schoolchildren from praying voluntarily at their own time on behalf of this Nation or people in harm or the victims of terrorism; but what we should not do is, we should not have the school dictating that should take place at an appointed time and place.

If the schools want to have a moment of silence, the child may then pick that moment of silence to reflect in any manner or pray in any manner that they want, but this resolution goes beyond that. I am afraid that this resolution is really about, once again, trying to introduce some form of content or

prayer into the schools under the guise of the tragedies of September 11 and the events that have occurred since then. We should really not do that.

We should really understand that we are very clear about the rights of children to pray in school. If the student groups meet on student property, then religious groups have an equal right to meet on school property and to pray; and the courts have protected students' individual rights to pray in a nondisruptive manner and have approved attempts by school districts to accommodate students in this resolution.

But this resolution is different than that, because while it is voluntary from the Congress and it is voluntary for the school to do it, but once the school sets aside time to pray for the country in that manner, then I believe they have crossed the line.

I wish that we would understand that we have every right to call for people to reflect and to pray in the interest in this country; and they will or they will not. Hopefully they have, and millions and millions of Americans and their children and their families have made that decision to pray in their places of worship, to pray around the dinner table, to pray in their homes before they go to sleep at night or when they first wake up in the morning or whatever suits them. I hope that that would continue.

But I think that this resolution is mistaken. And I think that this resolution is ill-considered and I would hope that the Congress would not pass it.

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

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

Mr. SMITH of New Jersey. Mr. Speaker, I rise in very strong support of H. Con. Res. 239, a timely and very necessary call for prayer and/or spiritual reflection during this time of extreme challenge.

Mr. Speaker, as the father of four, I know that kids have vexing questions and myriad doubts and concerns over the recent spate of horrific terrorist acts. In the minds of many of our young people and in the minds of the old alike, cruelty, mass murder, terrorism defy easy answers. It seems to me that prayer or spiritual reflection in all venues, not just in the church, not just at home, but in all venues, including school, fosters healing and fosters reconciliation.

The why of it, the questions concerning the essence of good and evil defy simply logic. To understand the depravity of September 11 requires all of us to look deeply at the hearts and at matters spiritual.

The gentleman from North Carolina's (Mr. JONES) modest call for prayer or, and I emphasize the word ''or,'' quiet reflection is a positive, constructive, liberating and very necessary thing. Our young people need encouragement to pray and they need encouragement to reflect.

Frankly, I find it bewildering and disappointing that this modest proposal should engender any opposition at all. There is nothing dangerous or risky about encouraging and even admonishing children to pray and to reflect. The gentleman from North Carolina (Mr. JONES) does not prescribe any specific prayer, nor is there anything in this resolution concerning specific content.

I would hope that our children would be inspired not only to pray, but to pray for wisdom and understanding and strength, and also to pray for the victims and their families and their friends. There are a lot of hurting people out there. They need prayer. And I think we should encourage our kids to pray.

I would hope America's young people would pray for reconciliations among people of disparate and often conflicting perspectives, and to pray for justice for those who perpetrate these crimes and cruelty.

Mr. Speaker, prayer and spiritual reflection are as necessary as food and oxygen, and without it, our kids are deprived of the most essential element in building character. This is an excellent resolution and I hope we get a unanimous vote.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

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

Mr. Speaker, we find ourselves in the wake of September 11 and we are using the tragedy to pass controversial legislation. It is not the first time, of course. Just a few days ago we repealed the alternative minimum tax, a tax on corporations who have loopholes and deductions and were paying no tax at all. We had an alternative minimum tax for them to pay, and under the name of economic stimulus, this House voted to repeal that tax.

In the name of airline security in the wake of September 11, we had a bill that included tort reform that had been defeated year after year. In the name of antiterrorist crime legislation, we had wiretap authority that applied to cases that had nothing to do with terrorism, in fact, in some cases had nothing to do with any alleged crime. And we passed excessive wiretap authority in the wake of September 11.

Now we are using September 11 to try to pass prayer in public school. The last time we had hearings on the issue of prayer in public school, we had deliberations, subcommittee and committee, and when it came to the floor, it was defeated. It was defeated because we know that children can already pray in public school today. They have that option. They do not need the bill. They can pray. If the teacher passes out a math test, they can pray. Before the meal, they can say grace. That is okay. That is allowed today.

What we cannot do is instruct the children to pray whether they want to or not. This resolution not only tells them to pray, but tells them what to pray for, and reserves, according to the resolution, a sufficient period of time during the day for prayer or quiet reflection, whatever that sufficient period of time during the day means. I mean, some religions require prayers several times a day. Some religions have prayers that are relatively long, others relatively short. I do not know who decides.

I received a letter today from Reverend Barry Lynn, the Executive Director of Americans United, who said in his letter, ''Students already have an individual right to pray voluntarily in school as long as they are not disruptive. This resolution, however, is a radical departure from constitutional standards because it calls for a mandatory time of classroom prayer on a specific topic. This resolution instructs children specifically what to pray for. Under our constitutional separation of church and state, it is the job of parents and clergy, not the government, to tell children when to pray, how to pray and what to pray for.''

He cites Justice Anthony Kennedy who explained in Lee v. Weisman, a 1992 case, ''The First Amendment's religious clauses mean that religious beliefs and religious expression are too precious to either be proscribed or prescribed by the state.''

Mr. Speaker, because we know that children can already pray and because this resolution has not gone through the regular process, it encourages school districts to violate the Constitution. It is ambiguous, and it uses the September 11 tragedy as an excuse to pass legislation which has failed in the past when subjected to the regular process.

I would urge my colleagues to defeat this resolution.

Mr. ISAKSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. JONES), the author of this resolution.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me say to my liberal friends on the other side, we very seldom agree, but I respect you. I always have and I always will. On this subject, I am a little bit disappointed. It is not a nonbinding resolution.

We come on this floor every day and we pray. And all we are saying to children who are hurting badly because of September 11, because of evil people who have come to this country and killed their fellow Americans, all we are saying to fifth graders, sixth graders, seventh graders, that we as a Congress encourage.

This Nation was founded on Judeo-Christian principles. Whether people like it or not, before Madelyn Murray, they prayed in the schools. If you look at recent rulings that I am going to make reference to in just a moment on a Virginia case, it is coming back whether we like it or not.

In a country that respects different religions, whether you are Muslim, whether you are Catholic, whether you are a Jew, whether you are Protestant, we cannot pass a nonbinding resolution to say we as a Congress, who pray every day, are saying to the children of America in a nonbinding way that America needs your prayers. Whether you are young, whether you are old, America is hurting and hurting badly.

Mr. Speaker, I go back to my district like everybody on that side and on this side and I go into the school rooms and I listen to the children. At times, like my good friends on the other side who oppose this nonbinding resolution, I listen to the children. Whether they are in the high school, the elementary school or the middle school, they are constantly asking what is happening. The terrorists, where are they in this country? What will happen next? And for this body to be able to say to the young people, we are not telling you that you must reflect, we are not telling you that you must pray, but we as a Congress pray.

The President of the United States has asked that we pray. The governors of the States, both liberal and conservative, have asked that we pray. And to have this resolution on the floor just to show support and encouragement to the children of America to reflect or pray, I just respect, again, but I do not understand the opposition to this, but I respect it because that is what makes America great, that we can disagree. I do respect that.

□ 2115

I also want to read, if I might, just a moment from the Washington Post, says Virginia minute of silence survives test in high court. Fourth circuit ruling allowed to stand without comment. Virginia's requirement that public school children start their day with a minute of silence passed constitutional muster yesterday when U.S. Supreme Court let stand a lower court ruling that the law does not violate the First Amendment. The law, which took effect last year, requires that all students observe a minute of quiet during which they may meditate, pray or engage in other silent activity.

The law has been challenged by seven Virginia families backed by the volunteer lawyers from the American Civil Liberties Union. They argue that including prayer among the approved activities violated the constitutional ban on State-sponsored religion and conflicted with a 1985 ruling in an Alabama case that struck down a moment of silent law that also included prayer.

The ACLU argument was rejected at every court level, and public schools have been observing the moment of silence since July of the year 2000.

Let me say to the gentleman from California (Mr. GEORGE MILLER), with whom I have served on the Committee on Resources and have great respect for his intellectual ability, as well as the other gentleman that has spoken, this is from a news article. It has got firemen around a flag, a moment of silence at ground zero. A moment of silent at ground zero.

It says: Students pray at school events, this is 2 weeks ago, despite restrictions. Search for spiritual solace continues. God has made a comeback at the Nation's public schools as students and educators look for spiritual solace in the wake of the September 11 terrorist attacks. At a high school in Texas, athletes and cheerleaders and members of the band broke into an open recitation of the Lord's prayer as they gathered in the end zone before a football game last week.

I do not know, and if I mispronounce this, please forgive me, Rancho Carmel, California, and the gentleman from California (Mr. GEORGE MILLER) can tell me if I did or did not, I want to read from a minister named David Overstreet of the National Network of Youth Ministries in Rancho Carmel, California. I do not know if that is the gentleman from California's (Mr. GEORGE MILLER) district or someone else's. Let me tell my colleague what he said: Our kids today are reaching out for something and the reality is that these kids are seeking peace, the real peace that is provided by God, observed Reverend David Overstreet.

Again, I respect each and everyone that will speak in opposition to this nonbinding resolution, but I will say from the bottom of my heart that a Nation founded on Judeo-Christian principles, if America's future, which is the children of America, cannot be encouraged in this time of war and the death of over 6,000 fellow Americans to have a moment to reflect or a moment of prayer and all we are talking about is passing a resolution, the sense of the Congress, it is nonbinding; but I do again respect those who are in opposition, and I am sure I might have another opportunity before we conclude.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 1 minute.

Let me just say these two points. One, I have supported for a long time a moment of silence, and I think it is quite proper and quite helpful to young children. Two, this Nation was founded on Christian-Judeo principles. It was also founded on constitutional principles; and we live under the Constitution, and there is a clash from time to time.

What my colleagues do not get to do is to have the State organize the prayer. A moment of silence could not be more important than at this time, and more and more schools can do it; and as my colleague pointed out, the court clearly has said that that is, in fact, allowable. But what the schools do not get to do is they do not get to organize the times and conditions of that prayer as called for, and this may be nonbinding, but the Congress on a binding or nonbinding, they ought not to be calling for unconstitutional acts. That is not meeting our charge under our responsibilities in this office.

Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, as a person of faith, I believe in the power of prayer. Like millions of Americans, I have prayed often for the victims of the terrorist attacks of September 11, and my prayers tonight are also with America's servicemen and -women now in harm's way in our war against terrorism.

What makes our Nation different, what makes our Nation different from Afghanistan is that in America citizens do not need their government to tell them when and how to pray. The millions and millions of prayers offered up by Americans since September 11 did not occur because the Federal Government dictated or suggested them to do so in legislation. Rather, those prayers occurred because of citizens' personal faith and choice to pray. That is as it should be in a free society.

One might ask, well, what could be wrong with a congressional resolution suggesting that public schools should set aside time for prayer or quiet reflection for our Nation? I would suggest there are several things wrong with this resolution.

First, in the first amendment to our Constitution, our Founding Fathers made it clear that government involvement in religion should be considered with the utmost care. In fact, they dedicated the first 16 words of the Bill of Rights to the principle that religion is a private matter, not a government responsibility.

Whether one supports or opposes this resolution, to bring legislation to this House floor that deals with the fundamental matter of religion and prayer, without a single committee hearing, without any testimony, is wrong. In my opinion, such a frivolous handling of the issue of prayer demeans the sanctity of religious faith.

Second, this resolution may or may not be constitutional. The gentleman from North Carolina (Mr. JONES) does not know for sure. This resolution is worded differently from the Virginia law. Would it not be better to discuss those vital questions in a committee hearing of constitutional scholars before we vote on this matter on the floor of the House rather than after?

Third, this resolution sets a dangerous precedent by suggesting what the subject should be of school children's prayers. As a parent, I want my

children to pray for our Nation in this time of need; but as a citizen, I will say here and everywhere, that the U.S. Congress has absolutely no right telling my children how to pray. The Federal Government and this House has no business telling any citizen, much less children, what the subject of their prayers should be.

If the gentleman from North Carolina (Mr. JONES), President Bush or I want to encourage others to pray for our Nation, there is nothing wrong with that; but there is something terribly wrong with the United States Congress passing legislation that tells my children what they should pray about in a public, tax-supported school. The gentleman from North Carolina (Mr. JONES) has no right to tell my children or anyone else's children how, when or about what they should pray.

In addition, this resolution refers to former President Eisenhower's description of religion and prayers as ''spiritual weapons.'' I have great respect for President Eisenhower, but millions of Americans of deep faith might not agree that religion and prayer should be thought of as ''weapons.''

Does this Congress really have the wisdom and the constitutional authority to start dictating or suggesting the subject of school children's private prayers? If so, are we then to set up a congressional committee, vote on what subjects are and are not appropriate for prayer in public schools? It seems to me that process would be more appropriate in the Taliban's Afghanistan than in the United States.

The fourth problem is that this resolution says ''a sufficient period of time'' should be allowed for prayer or quiet reflection in our schools. Does this resolution envision Federal, State or local governments having debates on what is ''sufficient time to pray''? To someone, a 1-minute prayer might be appropriate. In many religions, a 1-minute prayer would be considered superficial. To Muslim children, only one prayer a day would be considered sacrilegious.

Under the recent Supreme Court decision the gentleman from North Carolina (Mr. JONES) addressed, schools will face complex and difficult decisions in determining whether or how to establish time for prayer and meditation. Congress should not complicate that matter tonight for local schools by getting into the debate of defining what is ''sufficient'' time to pray and what the subject of children's prayers, however well intentioned, should be.

Mr. Speaker, it is already legal for children to pray in school. No law, no government body has the power to outlaw private prayer. Children may already pray quietly in the classroom or out loud before and after school. They may pray out loud during their lunch periods during school. The only prohibition, and rightly so, is against government-organized, government-sanctioned prayers in our public schools.

Mr. Speaker, another serious objection I have to this legislation is that it frankly implies that congressional action is needed to encourage American citizens to pray. Nothing could be further from the truth.

All of human history, including the world today, has proven that religion and prayer flourish best when politicians and government stay out of our matters of personal faith. It was wrong when House Republicans in the last Congress tried to pass a similar resolution dictating that it was the ''necessary duty'' of Americans to pray. Fortunately, that measure failed.

My hope is that Members of this House will recognize that it is just as wrong to dictate to school children or to even suggest to school children through legislative action of this Congress the subject of their prayers.

Mr. Speaker, this legislation is unnecessary at best. At worst it raises serious constitutional questions and sets the dangerous precedent of Congress suggesting the subject of our children's prayers.

As an individual, I hope that American citizens will continue to pray for our Nation; but as a matter of conscience, those prayers should be their choice, not Congress', not the gentleman from North Carolina's (Mr. JONES), and not mine.

Americans do not want and Americans do not need government getting involved in our prayers or our personal faith. Vote ''no'' on this resolution.

Mr. ISAKSON. Mr. Speaker, could the Chair advise both sides of the remaining time, please.

The SPEAKER pro tempore (Mr. FORBES). The gentleman from Georgia (Mr. ISAKSON) has 6 minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 5 minutes remaining.

Mr. ISAKSON. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I would like to say to the gentleman from Texas (Mr. EDWARDS) that, again, whether my colleague agrees or disagrees, this is nonbinding. It does not have the power of the law behind it. It is just for the Congress to make a statement to the children of America.

I have three military bases in my district. I have Camp Lejeune Marine Base in Jacksonville, I have Cherry Point Marine Air Station, and Seymour Air Force Base; and I go to a lot of the schools where kids have parents in uniform; and I know the questions and concerns they have been asking since September 11. If by chance, whether this resolution passes or not, if by chance the children will have that moment to reflect or whatever they might do, I am telling my colleague it is just extremely important.

Let me share one thing with my colleagues that Billy Graham, who is a well-known man of our Lord and Savior, his daughter Ann was on the CBS Early Morning Show, and Jane Clayson asked her and I will read this, Mr. Speaker, how could God let something like this happen. Ann Graham gave an extremely profound and insightful response, and I would like to read her response.

She said, I believe that God is deeply saddened by this just as we but for years we have been telling God to get out of the schools, to get out of the government and to get out of our lives. She further stated, In being the gentleman that He is, meaning God, I believe that He has calmly backed out. How can we expect God to give us His blessings and His protections if we demand that He leaves us alone. That is one person's opinion.

□ 2130

The point I am trying to make, Mr. Speaker, is that again, I am just one Member of 435. I think it is important that this Congress in a nonbinding way say that we understand that the children of America are hurting, and if the children of America would like to have a moment of prayer or a moment to reflect, then God bless the children of America.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, let me first respond to the statement of the gentleman from North Carolina (Mr. JONES). He said, ''God has made a comeback in our schools.'' Frankly, the God I pray to never left the schools. And the God I pray to is so powerful that no government body in any nation has the ability to take God or prayers out of our schools.

The gentleman, it is interesting, talks about the importance of this resolution and says it is a nonbinding resolution. Well, the gentleman needs to make up his mind. If it has no impact, perhaps we should not be taking the time of the Congress tonight to debate it. But if it does have impact, I would argue the case, with which many religious conservative organizations, including many Christian organizations in this country, that would agree with my position that government ought not to be suggesting or dictating prayers; and especially should not be dictating what the content of American citizens and school children's prayers should be.

The fact is, if Members read the resolution, it does not just say schools should consider as one option possible prayers. Schools should, should set aside a sufficient period of time. That word is with all of the authority and respect that the institution and the

United States Congress might have in this country.

It also, by the way, talks about what to pray for. It does not mention, as the gentleman from California (Mr. GEORGE MILLER) mentioned, silent prayers or out-loud prayers. If silent, that is not what this resolution says. If these prayers are out loud, my question is, who is going to decide in the classroom whose prayer is heard and what prayer is given. Are we going to have third graders deciding who is going to give the prayer on the subject that Congress has suggested they should pray about?

It would be helpful before the end of the debate if the gentleman could answer the question raised by the gentleman from California (Mr. GEORGE MILLER) as to whether his resolution contemplates prayers being given out loud in our classrooms. If so, I would suggest that raises use constitutional questions. If not, then the gentleman needs to rewrite his resolution, which is exactly why we should have had a committee hearing on an issue of such great importance.

This resolution should not be on the floor of the House tonight.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, first of all, I want to say I do not question the sincerity of the gentleman from North Carolina. He is a man of principle. We are talking about the resolution, not talking about the distinguished gentleman from North Carolina.

This is a controversial resolution. It might be constitutional; it might not. If we worked on it consistent with the Virginia supreme court case, we might make it constitutional, but it is very controversial. It prescribes what the prayer is. Therefore, it ought not, without any hearings at all, be adopted.

Mr. Speaker, if we want to help our children, we might help them by having school psychologists in the school. Child health care with mental health parity, I think that would help the children. Smaller class sizes, that would help the children. There are a lot of ways we can help the children rather than spending time on the floor of the House debating a resolution such as this.

I would hope that we defeat the resolution and not suspend the rules.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I grew up as a Catholic believing that God was all-knowing and ever-present; and it was not until I came to Congress and listened to these debates that I thought anybody would ever believe that a superintendent of schools or a teacher or a congressman could separate me from my God.

My God was always present. I could reach out and converse with God, rely on God, pray to God. Then I came to the Congress, and there were Members saying people could drive God out of school, drive God out of Congress, drive God out of here, drive God out of there. Maybe, I do not know; but it was never the God I understood that would travel with me throughout my life, that would always be there for me.

I find it interesting that somehow people believe children's faith is so weak that it can be dismissed like that by some school official, despite the teachings of their families, church and peers. I find it interesting that somehow God just disappears. It is an incredible statement that I do not understand regarding the underestimation of the American people's faith in their God.

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

Mr. Speaker, I commend the gentleman from North Carolina (Mr. JONES) for bringing this resolution, I commend the gentleman from Virginia, the gentleman from Texas, the gentleman from New Jersey, and the gentleman from California.

I am not a religious philosopher by any stretch, and I would not stretch to say I am a constitutional expert. But I am reminded, as I listen to this debate, that it is one of the reasons I am most proud to be an American. Both the gentleman from North Carolina (Mr. JONES) and the gentleman from New Jersey (Mr. SMITH) and the gentlemen on the other side have raised the consciousness of our country in this debate. Their arguments are not based on grounds that are against religion. They are based on the fundamentals and protection of religion, as our Constitution intends it to be, and I respect that.

I am somewhat reminded of a quote from Floyd Patterson shortly before he went into the ring to fight a title bout for the heavyweight championship of the world. Known to be a religious man, he was asked by a sportswriter, ''Mr. Patterson, is God on your side?'' And he said, ''I only hope God knows I am on his side.''

Regardless of the opinions in this debate, it is my conclusive belief that every Member of Congress falls in that same category as Mr. Patterson. While we may have differences on the intent of this legislation, it is patently clear it is permissive, not mandatory; respectful, not dictatorial; and it recognizes that at a time and place of tragedy in our country, it is only appropriate that America's children have the opportunity in their own way to reflect or to pray.

Mr. Speaker, I commend the gentleman from North Carolina (Mr. JONES) and those on both sides of the debate. I urge Members to adopt the resolution.

Mr. BOEHNER. Mr. Speaker, I am proud to support House Concurrent Resolution 239.

The atrocities committed against the United States on September 11, the ongoing threats to our national security, and the realization that ordinary Americans can be targets in the struggle against the forces of domestic and international terrorism have left our Nation searching for comfort. They have also led many of us to pray and reflect on behalf of the Nation, each in our own way, and according to our own understanding of God. When events occur that confound and enrage and hurt us so deeply, it is natural for humankind, and Americans especially, to take time to seek wisdom and consolation from the Creator. I believe such times of spirituality are something to be encouraged, especially among our children.

This House Concurrent Resolution makes clear Congress's support that America's schools should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during the difficult days we now face. I believe such ''moments of silence'' merely given students a choice—not a mandate—to pray and reflect, and are not only constitutional, but also consistent with this Nation's heritage of recognizing that America is indeed ''one Nation under God,'' as so many students around this great land recite each school day.

As President Eisenhower once said, referring to the reference to God in the Pledge of Allegiance, our Nation is one that reaffirms ''the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war.'' It is appropriate that our schools encourage their students to seek comfort and answers—and strength—in their faith.

I urge my colleagues to support House Concurrent Resolution 239.

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

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 239.

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. JONES of North Carolina. 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.

RESERVISTS EDUCATION PROTECTION ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3240) to amend title 38, United States Code, to restore certain education benefits of individuals being ordered to active duty as part of Operation Enduring Freedom.

The Clerk read as follows:

H.R. 3240

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 ''Reservists Education Protection Act of 2001''.

SEC. 2. RESTORATION OF CERTAIN EDUCATION BENEFITS OF INDIVIDUALS BEING ORDERED TO ACTIVE DUTY AS PART OF OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Sections 3013(f)(2)(A), 3231(a)(5)(B)(i), and 3511(a)(2)(B)(i) of title 38, United States Code, are each amended by striking '', in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10;'' and inserting ''to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10;''.

(b) CONFORMING AMENDMENTS.—Sections 3013(f)(2)(B) and 3231(a)(5)(B)(ii) of such title are each amended by striking '', in connection with such War,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 11, 2001.

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 strongly encourage Members to support H.R. 3240, the Reservist Education Protection Act of 2001, and am pleased that the gentleman from Illinois (Mr. EVANS) has joined me in sponsoring this. We are up to 34 Members who have cosponsored this important legislation.

Mr. Speaker, as many as 10,000 of the 50,000 Reservists and Guard members the President called to active duty on September 18, 2001, may have had their education interrupted by their selfless service to our Nation. These service members should not lose any of the educational benefits they have earned because they answered the call to duty. The Reservist Education Protection Act of 2001 would reinstate VA educational entitlement to those called up for Operation Enduring Freedom, as well as those called up in future national emergencies.

This bipartisan legislation would allow any service member who is mobilized after September 11 and had to disenroll from college or other schools to regain any monthly VA educational entitlement payments lost due to the call-up. Our bill accomplishes this by increasing the number of months of VA education entitlement equal to the months deducted for the incomplete course. These men and women would also regain time to attend school by extending the 10 years that they already have to use their benefit by a period equal to the period of active duty for which they were called up, plus 4 months. For example, if a service member is mobilized for 6 months, he or she would have 10 months added to his or her 10-year delimiting period.

Mr. Speaker, in 1991, during the Persian Gulf War, Congress addressed this same issue and protected VA educational entitlements under both the chapter 30 Montgomery GI bill active duty program and the then-chapter 106 program for members of the Selected Reserve. Such protections were for the Persian Gulf War only.

I would note that the service members using the current chapter 1606 Montgomery GI bill program under title 10, U.S. Code, are already protected.

Let us tell the men and women mobilized that Congress stands with them as they serve our Nation during Operation Enduring Freedom. I urge support of H.R. 3240.

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

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

Mr. Speaker, I strongly support the measure before us and salute the chairman, the gentleman from New Jersey (Mr. SMITH).

Qualifying veterans, members of the Guard and Reserve and service members serving on active duty are eligible for veterans' educational benefits administered by the Department of Veterans Affairs. Those eligible for VA education benefits are entitled to receive a specified number of monthly payments to further their education.

During a period of conflict, active duty servicemen and Reservists may need to leave school before an academic term has been completed in order to perform military service in the Nation's defense. Although these men and women have used a part of their VA education benefits to begin a term of study, they are unable to complete their academic work. Unfortunately, under current law, the entitlement these men and women have used is not restored for their future use even though their studies have been interrupted to serve this Nation.

During the Gulf War, Congress addressed this issue to protect the education benefits of our men and women in uniform. Chapter 30 in title 38, as well as chapter 1606 in title 10, were amended to provide for reinstating a veteran student's entitlement to provide for reinstating a veteran student's entitlement to education benefits if the courses in which he was enrolled were interrupted for active duty service.

□ 2145

This applied equally to chapter 1606 and chapter 30 beneficiaries and, importantly, the reinstated benefits had to be ''in connection with the Persian Gulf War.'' In 1999, Congress amended this law by deleting the limiting language for chapter 1606. Because of this deletion, current chapter 1606 beneficiaries who discontinue school for active duty service will indeed have their entitlements reinstated.

Mr. Speaker, in the case of an individual who has been receiving educational benefits from the VA, but is prevented from completing his or her coursework as a result of changed military duties or because of activation, this bill would rightfully restore his or her entitlement that was being used for interrupted schooling. Thus, upon returning to school, H.R. 3240 would permit the individual to resume their educational pursuit with the amount of entitlement they possessed before entering the interrupted academic term.

The Nation devoted this past weekend to its solemn recognition of the brave men and women who have served this country. In the natural extension of this spirit and in the best interests of the future of the men and women in the Armed Forces, I strongly urge my colleagues to support H.R. 3240.

The name of the gentleman from New Jersey is strongly associated with this bill. I look forward to working with him in the implementation of this legislation.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his kind comments. We do work, I think, very well as a team on behalf of veterans.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include any extraneous material to the bill, H.R. 3240.

The SPEAKER pro tempore (Mr. FORBES). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I rise today in support of H.R. 3240, the Reservists Education Protection Act of 2001, and I commend Chairman SMITH and Ranking Member EVANS for their leadership in introducing this bill today.

This bipartisan bill restores important Veterans Administration education benefits to those active duty, reserve and guard personnel who have been called up for Operation Enduring Freedom.

It has been estimated that up to 10,000 of the 50,000 reservists and guard members recently called up to active duty by President Bush as a result of the September 11th attacks on the United States will lose educational assistance benefits if they are forced to withdraw from school. Many of these men and women will also lose the tuition they have already paid for their education to date.

As a Vietnam Veteran, I know the value of educational benefits to military personnel returning from a war zone and trying to develop

their skills to get a decent job. As someone who has spent over 30 years in the U.S. Army Reserve, I also know that educational benefits are one the most popular tools we use to retain and keep quality personnel in military. It is critically important that we preserve and protect the Montgomery GI Bill benefits that are offered to our service members.

Under the provisions of this legislation, those military personnel who are using their Montgomery GI Bill benefits and who are called up for Operation Enduring Freedom will have their monthly benefits restored.

Active duty service members, reservists, guard personnel and veterans enrolled in the Post-Vietnam Era Veterans' Educational Assistance Program, and the Survivors and Dependents Educational Assistance Program, will also be included within this legislation.

Service members will regain essential time to attend school by extending their Montgomery GI Bill date by the time of their mobilization tour of duty, plus four months, to the 10-year period of eligibility they already have. Congress provided similar relief during the War in the Gulf.

I urge my colleagues to support those patriotic service men and women who are responding to the call of duty at this challenging time. Preserve and protect their educational benefits while they are off fighting international terrorists who have viciously attacked our Nation. Pray that they get back safely and help them get back to school when they do return.

Mr. FILNER. Mr Speaker and colleagues, I express my strong support for H.R. 3240, the Reservists Education Protection Act of 2001.

We are facing a situation in which many of the men and women, currently pursuing their education with VA educational benefits, may need to leave school before the academic term is completed when they are called to serve in the war against terrorism. As many as 8,000 to 10,000 of the reservists, now being called up, will have no reinstatement of their educational benefits for classes that were interrupted.

This legislation will restore their entitlement for benefits and allow them to complete their education which has been interrupted by our fight against terrorism.

We are in a new type of war, one which seeks to deter those who seemingly have no moral compass and who are willing to kill innocent civilians in great numbers. Now, more than ever, we need to support our brave soldiers who are putting their lives on hold to protect our nation, and indeed, to protect the world. As a co-sponsor of this bill, I urge my colleagues to support H.R. 3240!

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

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. 3240.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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.

FAST TRACK PROFITEERING

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

Mr. BROWN of Ohio. Mr. Speaker, on the evening of September 11, some gas stations in northeast Ohio and across the country raised the price of gas to $4, $5, even $6 a gallon. Many people called that war profiteering.

Unfortunately over the last 9 weeks or so, something not much different has occurred here on Capitol Hill. You might call it political profiteering.

First, Congress passed a bailout bill giving the airline industry $15 billion in cash and loan guarantees with virtually no strings attached: no sacrifices for the airline executives, no assistance for the 100,000 unemployed airline workers, no money for any kind of airline safety.

Then 3 weeks ago, in the name of stimulating the economy, this Chamber passed new tax cuts and accelerated others for the richest people and companies in America. Again, very little was included in the plan for laid-off workers and those among us who needed assistance the most.

Then a couple of weeks ago, political profiteering reached new heights. That week, the Bush administration's trade representative, Bob Zoellick, sought to link the trade negotiating authority known as Fast Track to our Nation's antiterrorism efforts. He went further by claiming that those of us who oppose Fast Track are a bit indifferent to terrorism and perhaps unpatriotic. According to Mr. Zoellick, free trade is the way to combat terrorism around the world; and if you do not support it, then you do not support real American values.

Unfortunately, Mr. Speaker, Fast Track and free trade do not embody American values as well as our trade representative has indicated. In Qatar, where this week's World Trade Organization ministerial is being held, the people do not have freedom of speech, they do not have freedom of assembly, they do not have freedom of religion, freedom of association, and they do not have free elections. Qatar's human rights record may not be in line with American values, but it is familiar territory to many of corporate America's trading partners.

Supporters of Fast Track say interaction with the developing world spreads democracy, but as we engage developing countries in trade and investment, democratic countries are losing ground to dictatorships and to authoritarian developing countries. Democratic India is less desirable for Western investors than authoritarian China. Democratic Taiwan is losing out to autocratic Indonesia. In 1989, 57 percent of developing country exports in the manufacturing sector came from democracies. Since then, exports from democracies fell to 22 percent. Fully 65 percent of developing country exports come from totalitarian/authoritarian nations. The fact is Western investors want to go to places like China and Indonesia, which are dictatorships, because they have pliable work forces, they have authoritarian governments, and they are very predictable for Western businesses. Western corporations want to invest in countries that have poor or nonexistent environmental standards, that have below poverty wages, that have no worker benefits, that have no opportunities to bargain collectively.

As American investment moves to those dictatorships where they do not have the values that we have, American working families lose out. Our trade agreements go to great lengths to protect investors and protect property rights; but they do nothing to protect workers in this country or in developing countries, and they do little to protect the environment.

Mr. Zoellick's call for an absolute trade negotiating authority in the name of patriotism must be recognized for what it is, pure and simple political profiteering. We have all watched with pride the indomitable spirit of working Americans in response to the events of September 11. The right response for us to defend the jobs and values of these same Americans is a ''no'' vote on trade promotion authority.

AIRLINE SAFETY AND COAST GUARD PROFESSOR OF THE YEAR

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

Ms. BROWN of Florida. Mr. Speaker, yesterday's plane crash was another devastating blow to the residents of New York and the citizens of this great Nation. Although we do not know the cause yet, I have been hearing it called a ''routine plane crash.'' I want to repeat that, a routine plane crash. God help us all if we ever accept a plane crash as routine.

I was in New York yesterday, and I had to take the train back to Washington. In fact, I chose to take the train back to Washington. I was talking to the train conductor who said that U.S. lawmakers have failed the American public. This is what our citizens think of this House and this Congress.

How many planes must go down before we truly deal with safety? Not just who screens the baggage but the safety

of the entire transportation system, including ports, rail, bridges, tunnels and, maybe after yesterday, more thorough safety inspections for airplanes. Does this country and this Congress have to wait until another disaster strikes again to act to protect our transportation infrastructure?

We do not want the American people to feel that we have failed them. I do not hold out much hope, but I am asking the conferees to support the other body's version of airline security so that we can move on to other areas of homeland security.

I also want to take the time tonight to talk about four heroes in the field of education. Earlier today, I attended a luncheon honoring four outstanding college professors. I especially am proud of Commander Vincent Wilczynsky, an engineering professor at the Coast Guard Academy. He is the first service academy professor to receive this distinguished award in its 20-year history. The members of the Subcommittee on Coast Guard and Maritime Transportation and the entire Congress are very proud of the commander and all educators like him who strive for excellence in their classrooms every day. Although this award ceremony only lasted a few hours, their contribution to these young minds will be felt for many years to come.

U.S. PROFESSORS OF THE YEAR PROGRAM

WINNERS' BIOS

CDR Vincent Wilczynski is associate professor of mechanical engineering at the U.S. Coast Guard Academy. Wilczynski was instrumental in establishing the mechanical engineering major at the Academy, and earning its accreditation. A strong advocate for linking engineering principles to practical applications, he guides students through research and analysis to real-world design problems.

Wilczynski extends his impact beyond the walls of the Academy by working with high school students across the nation in FIRST (For Inspiration of Science and Technology), a non-profit organization that brings students together with distinguished professionals and introduces students to mentoring, leadership, entrepreneurship, and professional behavior.

CDR Wilczynski hold a Ph.D. in mechanical engineering from The Catholic University of America and an M.S. in Naval Architecture and Marine Engineering from Massachusetts Institute of Technology.

Cornelius Carter is associate professor of dance at The University of Alabama in Tuscaloosa. Carter founded the Alabama Repertory Dance Theatre in his first year of teaching to create an environment that would prepare young Alabama dancers to compete for the best national internships and memberships in professional dance companies, and for scholarships to graduate academic dance programs.

One colleague affectionately called Carter ''a one-man gang'', as he collaborates with local high schools, mentoring at-risk students and expanding cultural horizons of those outside the university's dance program.

Carter holds a Master of Fine Arts in Dance from University of Hawaii at Manoa, Honolulu, and has taught dance at the American Ballet Theater, Harvard Summer Dance Program, and this summer, at the Ailey School at Lincoln Center in New York City.

Clarence Romero is associate professor of psychology at Riverside Community College in Riverside, Calif. He spearheaded Latino Educators of Tomorrow (LET), a teacher preparation program that encourages students to overcome mental and physical barriers, to set personal goals and accept responsibilities. LET reinforces the idea that students are the masters of their own destinies.

Romero's teaching philosophy was profoundly impacted by an exercise in which he asked his students to make him ''student for a day''. The students told him, ''Teachers tell; they don't listen. They don't know who we are or what we're all about.'' Romero understood, and strives to make his students active participants in an education process that has real life applicability.

He holds a Ph.D. in psychology from University of Riverside, and has served as an instructor, chief administrative officer, counselor and student personnel worker.

Laura Duhan Kaplan is associate professor of philosophy at The University of North Carolina at Charlotte. She developed ''narrative philosophy'', a teaching style in which students use stories from their own everyday lives to unpack the meaning of difficult theoretical concepts proposed by famous philosophers. She writes extensively on how her method affects student understanding, highlighting student's writing about their learning experience.

Kaplan served as coordinator of Women's Studies at UNC Charlotte for seven years, and is credited with tripling program enrollment. She established numerous other interdisciplinary programs, including a Junior Great Books course for middle school students, and is working toward establishing a Jewish Studies program at UNC Charlotte.

Kaplan holds Ph.D. in philosophy and education from Claremont Graduate School and has taught more than twenty different courses from pre-freshman to graduate level.

STATE WINNERS

Alabama: Stephen Chew, Professor and Chair, Psychology, Samford University.

Alaska: Ping-Tung Chang, Professor, Mathematics, University of Alaska Anchorage.

Arizona: Albert Celoza, Faculty, Liberal Arts, Phoenix College.

Arkansas: Helen Robbins, Associate Professor, English, Lyon College.

California: Nicole Weekes, Assistant Professor, Psychology, Pomona College.

Colorado: Charles Ferguson, Assistant Professor, Biology, University of Colorado at Denver.

Connecticut: David Sloane, Professor, English and Education, University of New Haven.

District of Columbia: Gerald Feldman, Associate Professor, Physics, George Washington University.

Florida: June Main, Professor, Education, Jacksonville University.

Georgia: Ulf Kirchdorfer, Associate Professor, English, Darton College.

Idaho: John Freemuth, Professor, Political Science, Boise State University.

Illinois: Constance Mixon, Instructor, Political Science, Richard J. Daley, Chicago.

Indiana: Mary Johnson, Assistant Professor, Micro Biology, Indiana State University.

Iowa: Terence Kleven, Associate Professor, Religion, Central College.

Kansas: C. Rick Snyder, Professor, Clinical Psychology, University of Kansas.

Kentucky: James Wagner, Assistant Professor, Biology, Transylvania University.

Louisiana: Teresa A. Summers, Professor & Division Head, Textiles, Apparel Design & Merchandising, Louisiana University.

Maryland: Sylvia Sorkin, Professor, Computer Science, The Community College of Baltimore County, Essex.

Massachusetts: Kevin Smith, Associate Professor, Physics, Boston University.

Michigan: Bernard J. O'Connor, Professor, Political Science Eastern Michigan University.

Minnesota: James Bartruff, Professor, Theatre Arts, Minnesota State University Moorhead.

Mississippi: Michael M. Neumann, Professor, Mathematics, Mississippi State University.

Missouri: Vicki Ritts, Associate Professor, Psychology, St. Louis Community College.

Montana: John Photiades, Professor, Economics, The University of Montana-Missoula.

Nebraska: David Iaquinta, Professor, Sociology, Nebraska Wesleyan University.

Nevada: Dale Holcombe, Professor, Animal Biotechnology, University of Nevada, Reno.

New Hampshire: Randall S. Hanson, Associate Professor, Colby-Sawyer College.

New Jersey: Robert Clark, Associate Professor, Biological Sciences, Cumberland County College.

New Mexico: Mary Fanelli Ayala, Associate Professor, Modern Languages, Eastern New Mexico University.

New York: Frances Bronet, Associate Professor, Architecture, Rensselaer Polytechnic Institute.

North Carolina: Althea Riddick, Chair, Business and Office Technology, College of the Albemarle.

Ohio: Robert Welker, Professor, Education, Wittenberg University.

Oklahoma: Sue Ellen Read, Professor, Teacher Education, Northeastern State University.

Oregon: Becky Houck, Professor, Biology, University of Portland.

Pennsylvania: Gary S. Smith, Professor, History, Grove City College.

Rhode Island: Roger Lebrun, Professor, Entomology, University of Rhode Island.

South Carolina: Mary Steppling, Assistant Professor, Speech Language Pathology, Columbia College.

South Dakota: Michael Roche, Professor, Political Science, The University of South Dakota.

Tennessee: David Julseth, Associate Professor, Foreign Language, Belmont University.

Texas: Robert Webking, Professor, Political Science, The University of Texas at El Paso.

Utah: David Lancy, Professor, Anthropology, Utah State University.

Vermont: Lyndon Carew Jr., Professor, Animal Sciences & Nutrition, Food Science, University of Vermont.

Virginia: Cheryl Jorgensen-Earp, Associate Professor, Communication Studies, Lynchburg College.

West Virginia: John J. Renton, Professor, Geology, West Virginia University.

Wisconsin: Scott Hartsel, Professor, Chemistry, University of Wisconsin-Eau Claire.

Wyoming: Carol Frost, Professor, Geology & Geophysics, University of Wyoming.

CHOICES FACING CONGRESS AND AMERICAN PEOPLE

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

Mr. ALLEN. Mr. Speaker, I am pleased to be joined by my friend, the gentleman from Connecticut (Mr. LARSON). We are here tonight to talk about some of the choices that face us in Congress and face the American people as well. I know this is a time when all of us are preoccupied with the conflict in Afghanistan and the war against terrorism here in the United States. There is so much to do both on the foreign front and on the domestic front that perhaps we have not spent all the attention we need to on certain aspects of both the economic stimulus and the effort to protect Americans here at home. That is really what I want to talk about tonight.

I want to begin by referring to the economic stimulus package that passed this House 2 weeks ago by a vote of 218 to 214, only a four-vote margin. If any two people in the majority had switched their votes, that bill would not have passed. So it obviously was one of the more controversial items that we have had in the last few weeks in front of this House.

Now, from my point of view, what that so-called economic stimulus bill looked like was the same old tax cuts to the same old people that we have seen here before. Not quite the same old people because in this case it was the same old corporations. My friends on the Republican side of the aisle had concluded that the only way to stimulate this economy was to give hundreds of millions of dollars in some cases and more than a billion dollars in other cases to some of the wealthiest corporations in this country.

In order to understand an important part of this bill that we passed 2 weeks ago, you have to understand something called the alternative minimum tax. The alternative minimum tax is assessed both against individuals and against corporations. It is assessed only against wealthier individuals and wealthier corporations in both cases because they have so many tax credits, so many deductions, so many loopholes that if they did not pay the alternative minimum tax, they would not be paying much of a tax at all.

In the economic stimulus package, so-called, that the Republicans passed 2 weeks ago, there was a repeal of the alternative minimum tax for corporations.

□ 2200

This will cost the American taxpayers $25 billion. This was not just a repeal of the Alternative Minimum Tax looking forward, it was a repeal and a rebate of the Alternative Minimum Tax paid by companies like IBM, Ford, General Motors, General Electric and several hundred or even several thousand other corporations.

Tonight I want to talk about how much of a rebate those corporations will get that are in the top 16 of the beneficiaries of the largesse of my friends on the Republican side of the aisle. Let us turn to this particular chart.

In the economic stimulus package, H.R. 3090, IBM would receive a rebate of over $1.4 billion. That is right, $1.4 billion in a check going from the Federal Government to IBM, all in the name of stimulating the economy. Now, a majority, though not all of American taxpayers, recently got a rebate of $300. But IBM gets a rebate of $1.4 billion to cover the minimum tax that it had been paying since 1986.

Number two on the list is the Ford Motor Company. Ford gets $1 billion, $1 billion in a rebate, a check from the Federal Government. All of this is in the package, in the name of economic stimulus.

Now, you might ask, well, does either IBM or Ford have to invest this money in anything? Are there any strings to this money, any conditions, anything that would assure that this money is going to be invested by IBM, Ford, General Motors, General Electric or any other companies that are the beneficiaries of this largesse? The answer is no. No strings, no conditions. Straight to the bottom line. Probably the stock would go up the next day if this happened, if this bill were passed by the Senate. But that is what you have got.

Let me just read through a few of the larger beneficiaries of the House Republican economic stimulus bill. As I said, IBM gets $1.4 billion; Ford Motor Company gets $1 billion; General Motors gets $833 million; General Electric gets $671 million; the Texas Utility Company, TXU, gets $608 million; DaimlerChrysler, $600 million; and on down the list.

Now, before I call on my colleagues, who I am sure are as astonished as I am by simply writing checks to profitable, huge American corporations in the name of economic stimulus, I want to refer to one of the alternatives just a moment.

The Homeland Security Task Force of the Democratic Caucus has put together a bill to deal with the threat of bioterrorism in the United States. We have looked at a wide range of different risks to this country, and we have come up with a series of proposals to deal with those risks. Now, this bill, as I said, deals with the range of threats, threats presented by anthrax, smallpox, other threats to our food safety, emergency planning, coordination, all of those kinds of things.

I recently held a meeting in my district with police and fire officials and EMT technicians, all of whom are under great stress since September 11. They have had extensive overtime, extensive extra expenses as a result of September 11. What they wanted was not just more funding, they wanted more training and they wanted better communication with Federal and State officials.

Let us just take a look for a moment at the priorities of our caucus, the Democratic Caucus, as compared to those tax cuts for the larger corporations in this country.

What we have decided as a caucus is we ought to spend about $1.4 billion acquiring and researching vaccines and antibiotics. This presents a choice. We are threatened by anthrax, we know. There is always a risk of smallpox or other diseases out there that could be the subject of a terrorist attack. We think we need to deal with this threat and we need to deal with it now. $1.4 billion will do it. That happens to be the same number that the House Republicans would write a check to IBM for, the same number.

One more example. We need to improve the ability of our local responders to deal with these kinds of medical emergencies. We can do that across this entire country for $1 billion. $1 billion, the same amount that our friends on the Republican side of the aisle believe should go to Ford Motor Company in a check; no strings, no conditions whatsoever.

We can go on down this list for some period of time and draw some of these contrasts, and we will do that in the course of this hour. But I would like to yield to my friend the gentleman from Connecticut (Mr. LARSON), who has been deeply concerned about the implications of these priorities. I know that he, like all of us, is puzzled that, given the choices that are presented to this Congress, the majority would make a decision that seems so out of sync with the needs of this country.

Mr. LARSON of Connecticut. I thank the gentleman from Maine for yielding, and commend him for bringing to the attention of the body the importance of this issue.

The hard truth with most special orders, for those of you that are viewing at home, is that it is very difficult for us to get our message across when we are in the minority, so oftentimes we have to rely on voices beyond this Chamber. It is our sincere hope that we reach you, that we reach members of the media, so they can continue to take this case before the American public.

The American public in turn responds, because, after all, this is a time of war. We are currently a Nation at war, and though the war appears to be going well at this time and the President has the full support of Congress and the Nation and it is important for us to stay united as a country, we find

that some of the things that divide us are the very issues that the gentleman from Maine (Mr. ALLEN) is addressing this evening.

Let me say from the outset that I have always felt, and I believe most Americans believe this way as well, that in a time of crisis, in a time of war, it is a time for shared sacrifice; that the entire Nation has to pull together. Witness the valiant efforts of the rescuers at the World Trade Center, Mr. Beamer and those citizens aboard Flight 93, and, of course, the heroes at the Pentagon as well.

How can anyone go home this past weekend and talk to veterans and be able to look them in the eye and say, I am sorry, we will not be able to afford prescription drug relief for you because we have got to provide a tax cut for the wealthy?

I am sorry that perhaps there will not be enough vaccine to go around, because we have got to provide a tax cut for the wealthiest corporations?

I am sorry that there will not be airport security, because it will be too costly to afford in lieu of the tax cuts that we are providing?

I am sorry that we will continue to have to send our senior citizens to Canada to get prescription drugs that they can afford, because we have got to provide a tax cut for the wealthy?

It is obscene. It hurts when you have to go home and look at people who, in so many respects in the great irony of all this, we are talking to a generation that has lived through a second day of infamy, the first being December 7, 1941, the second being September 11. And of all the people we are asking to sacrifice, we are asking them to sacrifice.

Where does this money come from? It comes from the Social Security surplus. Instead of the money going into the Social Security surplus to deal with future generations retiring, it is going, instead, in windfall proportions to corporations and the very wealthy.

It is time for us to recognize what the gentleman from Massachusetts (Mr. FRANK) and others have recognized, that we need to freeze the existing tax cut that we have made, and then look at this giveaway of the repeal of the Alternative Minimum Tax and focus on the direct needs that the gentleman is pointing out here for homeland security.

How can we turn our backs on these frontline defenses for this Nation? It was not lost on any Member of Congress that it was not the FBI, it was not CIA, it was not the military or FAA or FEMA that responded first; it was local firefighters, police, emergency medical teams, allied health professionals and hospitals. They are crying out for this money, as are governors and members of General Assemblies across this Nation, because they are fearful that with a tax cut going to the select few, there will be little money left for them to send out to our municipalities. There is $8.7 billion utilized in terrorism today, with only $300 million going out to our municipalities, meaning that $8.4 billion stays within the Beltway.

These municipalities fear a top-down solution foisted upon them by the Federal Government; another mandate that will go unfunded, while we fund a tax cut for the wealthiest corporations, and, frankly, at a time when most of them are not even asking for it.

This is a time of shared sacrifice. The patriotic thing to do at this time is to make sure that the Nation is safe and secure; that there are vaccines available for everyone; that our frontline defenders are appropriately equipped and trained; and that our seniors, who have sacrificed much already, are able to get the prescription drugs that they need, and not have to face the Godawful choice between heating their homes, putting nutritious meals on their table and taking the drugs their doctors have told them they must take to survive.

That is why we are so concerned, and that is why, frankly, I am so angered by what is going on, because there is a great opportunity in this Nation to come together. The President has done a remarkable job in unifying this Nation and bringing about the war effort and getting everyone to focus, as we should, at rooting out terrorism. But if we root out terrorism and in the process do nothing to help the people in our own Nation, where are we?

We have stood on the shoulders of another generation for too long. It is time for us to reach back and uplift our own generation of elders in this country who are going without, and should not be made to sacrifice yet again while we provide huge and massive tax cuts to the wealthy few.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for those comments. What he says about shared sacrifice is exactly the point. It is not what some of these large American corporations seem to be in the mood to do though.

I thought I would go back to this chart for a moment. The House Republicans passed this economic stimulus package, and, as you can see, we have listed on this one chart the 16 corporations that get the largest checks from the Federal Government if this bill becomes law. It ranges from the $1.4 billion check that IBM would get to the $102 million check that K-Mart would get. But the repeal of the Alternative Minimum Tax in total represents a give-back to corporations across the country of $25 billion; $25 billion in checks to the largest corporations in the country.

When you contrast that with not only prescription drugs and education and so many of the alternatives that the gentleman from Connecticut mentioned, but if you just looked at the Democratic proposal to deal with bioterrorism, the kinds of things that are here, not just acquiring and researching vaccines and antibiotics, that is pretty obvious. But, for example, improving the public health infrastructure. No one can question that that is not a very important priority today. Or improving border security and strengthening the Coast Guard. That is a no-brainer. It needs to be done. Protecting our water supply or addressing threats to mail delivery.

These are not frivolous things that maybe we ought to do in 3 or 4 years if and when we can find the money. These are things that need to be done now; need to be done now and should be done now. And the truth is, this entire bill comes to $7.5 billion, less than one-third of the entire tax cut that would go to corporations under the repeal of the Alternative Minimum Tax.

□ 2215

These are the choices we face as a Congress, and we need to make the right choice; and so far, this House has not done that.

We are joined tonight by the gentleman from North Carolina (Mr. ETHERIDGE), and we are pleased to have him here to speak on these issues. I yield to the gentleman.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Maine for yielding to me. I could not help but think that as we talk about this issue tonight how we got here. Our colleagues need to remember how we got here. Because I think it is important to also put it into perspective. We got here because we face one of the greatest challenges I think that we have faced as a Nation as a result of the September 11 attack, probably the greatest challenge we have faced since World War II. It will forever be a day when it was remembered when evil visited the shores of America unlike any time in the history of this country, when we lost more people in one day than probably any time since the Civil War, and even before that event, our economy was sort of teetering on the brink of a recession, certainly a slowdown, and that attack probably did push us to the edge.

It really bothers me, and I want to reflect on that, that we are working so hard to collect to help support our troops overseas and work with the White House on these issues that our colleagues would take that opportunity and use that situation to turn in and fail to realize that this so-called stimulus package that they rammed through the House on a partisan vote, it is just the wrong way to go. It is the wrong way to go. It is really about, in the end, having spent a number of

years in business and as a legislator before I came here and the superintendent of schools, I am always reminded that in the end, it is always about people. It is about people.

In October, we saw the unemployment rate jump a half a point, to 5.4 percent, a 5-year high. It was the biggest monthly increase in over 20 years. Let me repeat that again. The biggest monthly increase in over 20 years. And what do we do? How do we respond to that? We do not respond to it by reaching out and helping those who are hurting so badly. We want to help those who are already doing okay. That is really not how we got to the best economy probably in our lifetime, and we are not going to get back there that same way.

We know that no sector of the economy has been immune to this; but as the gentleman said, we had an opportunity to pass a very good stimulus package that would help get the economy going, help to get people working and get our economy moving again; and that is the kind of thing we need to have, not massive cuts for the wealthiest corporations who really would be happy to get it, I assume, and they would love to have it and the stockholders would be glad to have it.

However, it is not going to help the kind of people I talked with today in Raleigh at a press conference. I talked to a lady who has been laid off who has two children who worked for Midway Airlines when they went bankrupt and shut down after September 11, and she is now unemployed and is now drawing unemployment. She said, I believe she told me she filled out something like 30-some applications in a bad economy, and she is still filling out applications. Another lady who has worked 33 years for the same company and she said, you know, you cannot imagine how bad it is to have to back up your truck to the place you worked for 33 years and they closed their doors, and all that you have worked for all your life is loaded into the back of a truck and you drive home. She said, my unemployment benefits run out January 1, and I do not know where I am going to work. She said, I am a proud person. I want to work. And I am still making applications, trying to get a job. That is what we ought to be about. We ought to be working together to get that done. That is how we stimulate the economy. Pass things that put people to work.

Mr. Speaker, I think the House Republican leadership was absolutely wrong when they rammed through their special interest tax break and called it a stimulus package. It was not a stimulus package, and they know it. The American people do not need assurance that these tax cuts will get our economy back on its feet. They need jobs. I talked to people today who want a job. They just want to work. That is all they ask. They do not need pats on the back and rhetoric about the strength and spirit of the American worker. They need a job. That is all they want.

Mr. Speaker, praise does not pay the bills, and you cannot cash encouragement. We need a package that will produce real results for those affected by the economic downturn. That is all they ask. They are just asking for a helping hand, a bridge, from now until the economy gets going.

So how do we create those jobs? There are ways we can do it. The gentleman has laid out some of them tonight in a package of things we need to spend money for. They are appropriate. They are things we have in the pipeline. They are things we ought to be doing. The security of our airports. Construction projects that will help make America safer and productive. Sure, part of them are building roads that we are going to build any way, just speed them up. We could spend a little money building a few school buildings. Is it not amazing what that would do for America? It would improve education. It would say to our children that education really is the most important thing we want them to be about in their young lives, and it would put in place a lot of good-paying jobs in America.

Mr. Speaker, there are things that we could be doing, working together, instead of playing the same old games that lead to nowhere, to help those special interest projects that are not going to pass. They are not going to pass Congress this year. So why are we still here, almost at Thanksgiving, not doing the work of the American people? I think the leadership has a responsibility, and I have always said, get out of the way or let somebody else do it, and it is time we get the job done for the American people. I yield back to the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for those comments. There really are so many ways we could go at this problem. Aviation security is one area where we need action and we need action now. I mean, we are hung up in this ideological debate about whether the security screeners at airports should be Federal employees or not; and the leadership on the other side here does not want any more Federal employees, as if that were a bad thing in itself. We know, of course, that if the security screeners were Federal employees, they would be paid probably twice as much, they would have some benefits, and they would stay on the job longer than the average of 9 months, which is the average length of time that a security screener in this country now stays on the job.

Now, we have done a contrast here with the bioterrorism act that House Democrats have put together, but there are so many other ways to go at this problem.

Mr. Speaker, it is interesting that the Democratic Chair of the Committee on Budget in the other body and the ranking Republican in the other body and the Republican Chair of the Committee on the Budget in the House and the ranking Democrat on the Committee on the Budget in the House, those four leading budget experts came together and they said, we need a stimulus package that is focused on the near term, focused on the next year, and that any tax cuts that are enacted should be temporary. They should be confined to that year, because that is when we need the stimulus. But the repeal of the alternative minimum tax is forever, and it is not only forever going forward, it is 15 years going back. We are going to rebate $25 billion in past taxes paid on a minimum base by some of the larger corporations in this country. It is a mistake.

I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding. The gentleman has really touched on a very important point, because as we look at where we are today, where we want to get to tomorrow and next year and the year after for our children and hopefully our grandchildren, it really is important to be preparing and be making decisions that will not negatively affect our opportunity as a Nation and for those in business. What we do not want to do is build into any kind of economic stimulus package inflation. There is a reason why the long-term rates have not come down. All of this is in that.

The gentleman touched on earlier the whole issue of health care, and I feel like I need to share that with my colleagues tonight, about the ladies I talked to today in Raleigh and the conference we had. They were talking about the need, and this economic stimulus package really ought to deal with these issues, people who have lost their jobs and lost their health care and have children and have families. This lady said today, she said, you know, as bad as it is losing a job and a paycheck, you cannot imagine how difficult it would be to wake up one morning and get a call from your employer and say, do not come to work today. You are no longer employed.

So that is a shock enough, but all of a sudden when you realize your health care is gone with it. Now, you can buy into COBRA, but she shared with us the numbers today, and I do not remember the exact numbers, so I will not share those with my colleagues tonight; but what it amounted to is that her weekly unemployment checks over the month for her and her two children would have almost taken up every cent she got in unemployment to cover the cost for health care, with no money left to eat with and pay bills, et cetera.

Any package we get ought to have opportunity for people to get from here

to there and cover some benefits, pay down the cost so that they can be covered for them and their children. I mean, that is humane. Why would we not do that? Why would our colleagues not understand? When we send children to school and they leave in the morning, if an accident happens, they have no insurance, what are we doing to families? How can we say we are for families when we do not want to help children? That is what a stimulus package ought to be about. I do not understand it. I am sure the American people do not understand it either. We ought to take care of that.

I yield back to the gentleman.

Mr. ALLEN. Mr. Speaker, I appreciate the gentleman's comments, because focusing on health care is very important. I mean, there is not a worker laid off in the country today who does not understand that when we qualify under COBRA, we wind up paying for the whole cost yourself; and when you have been laid off, the chances are good that you are not going to have the money to buy the health insurance you need. It is a tremendously serious problem.

I yield again to the gentleman from Connecticut.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Maine, and I thank the gentleman from North Carolina for his insight. I think it is always instructive when we hear what is going on back in people's districts, as the gentleman's discussion with the woman in Raleigh revealed today.

I want to go back to something I said at the outset. My wife often asks me, she says, geez, you know, when you are speaking before the body, it is an empty Chamber. Is this the way Congress works? The hard truth, and we talk about legislation being rammed through, it is oftentimes missed by the public. There was about an hour's worth of debate, 30 minutes on each side, on an issue that is extraordinarily important to people. This past Veterans' Day, when we go home and face what Tom Brokaw aptly called the greatest generation ever, how do we look them in the eye and tell them what is going on? Here is a generation that is four square behind this effort to root out terrorism. All they want is to make sure that the land that they fought for, the freedoms that they fought for persevere and their children and grandchildren are safe and secure from terror.

□ 2230

That is the wish of every American. So they selflessly say, look, we will make more sacrifices, whatever it takes to make sure that we have a country free of terrorist attack, free of the horrific calamity that befell this Nation on September 11.

We have to get voices beyond this Chamber, like Mr. Brokaw and others, who recognize that the time for platitudes and promises and lip service is over; that we have chronicled this generation in books, in song, and in movies. Yet, when it comes to sustaining them and allowing them to live out their final days in dignity, what we give them is alternative minimum tax reductions for the wealthiest corporations; and tell them not to worry, though, we will mention them in the next speech at Veteran's Day or Memorial Day, or when we pause again to pay respects to the greatest generation ever, when what we should be doing is providing them with prescription drug relief and making sure that we have a stimulus package that, as the gentleman from North Carolina (Mr. ETHERIDGE) says, reaches out and impacts people.

I know American corporations believe this, as well. We have many fine corporations in this country. Why the headlong, wrongheaded proposal of a few on the other side leads this Nation, at a time when we are coming together in unity, on such a destructive path is puzzling.

But look in the eyes of a veteran and try to tell them that this is the course we have laid out for them.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for those comments, Mr. Speaker. The point the gentleman is really making is that in this body we have choices. We have choices about what we are going to do. And the choice, when we look at the tax cuts, the corporate tax cuts in the Republican economic stimulus package, and compare them to some of the things that we have been talking about tonight, some of the profoundly important needs of the country, we can see that there is a choice, there is a difference.

Let us take just one. I put this one point up to deal with one of the lines in the two previous charts we were using. Here is a choice that is a real choice that is faced by all of us in this Chamber.

Now, under the Republican economic stimulus package there is an $833 million handout to General Motors, a check for $833 million for General Motors. Now, I know the auto industry is having some problems, but they are still selling a lot of cars, and $833 million in my book makes no sense. But this has already passed.

By the same token, I talked to all sorts of constituents in Maine who are concerned about the food supply. We have come up with a proposal to make significant improvements in protecting agriculture and our food supply that would cost $725 million, over $100 million less than the check that would be given to General Motors under the Republican bill. That is a fundamental choice that we have.

Members can substitute something else if they would like, but the fact is that our bill dealing with bioterrorism may never come up in the Chamber because the leadership on the other side will not allow it to come up. But they have an economic stimulus bill to come up that thinks, proposes, somehow believes that if we just write a check to General Motors for $833 million, that that will help somebody besides those who own General Motors stock, even though there are no conditions, no requirement to keep jobs, no requirement to invest; nothing, just a handout for past taxes paid.

Those are the kinds of choices we face, and to date, this Congress is not making the right decisions.

I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my friend, the gentleman from Maine, because he is absolutely right.

On that point, there was another piece in the economic stimulus package that I think our colleagues need to remember. I remember what former Treasury Secretary Robert Rubin had to say about the stimulus package that passed, and what one of the alternatives we had in ours was that was so important, because in the previous package, they were left out. That was the low-income individuals who helped pay taxes but they did not get a rebate. In our package, that was in there as an alternative; I think it is appropriate.

These were people, Mr. Speaker, that were left out in the original Bush tax plan, in the first rebate. These folks would put that money right back in the economy. Secretary Rubin has said and others have said that that is really where we ought to be putting it.

Those folks would put it in the economy immediately, buying things and spending it on such ''luxury items'' as food, clothing, medicine, heat and shelter; things that help get the economy going. If we say it turns over six or seven times, that is really what we need.

I got a telephone call this weekend, and will not share the lady's name. She is a very proud lady. She would not want her name shared. She has worked all of her life. She is probably in her early 80s now, or late 70s, I would say, or mid-70s, to be a little more accurate. But she was calling about prescription medicine, the issue the gentleman raised earlier.

She said, ''You know, I would not want people to know, but I do not have the money to meet my medical bills each month and pay for my food and lodging. I just do not get enough money. When is Congress going to fulfill the promise that every politician made in the last election, Democrat and Republican? I remember the ads,'' she said.

I agree with her. I remember the ads, too. I am not sure our colleagues on the other side remember those ads and those commitments they made. We

now have a chance to do that in some way as part of this package. Promises made ought to be promises kept.

I do not remember all these numbers the gentleman has shared that they had in their tax bill in TV ads during the last election. We may see them in the next election.

Mr. LARSON of Connecticut. Mr. Speaker, if the gentleman will continue to yield, to further that point, if we were to be a nation concerned about shared sacrifice, what we would truly do at this point, at this critical point in our history, during a time of war, is freeze all the tax cuts until we have done the kind of assessment in this Nation that will provide our people with what they need.

As we have said over and over again, it is a time of shared sacrifice, but the American public does not see that. What they see is a Congress that is mired in providing a so-called stimulus package.

I cannot recall any war in this Nation's history where the first order of business and the top priority was to provide the Nation's leading corporations and wealthiest few with a tax cut, that is what is obscene, while at the same time prevailing upon the Nation to come together, to be more vigilant, to be more patriotic, to become involved, to not look the other way, to not be deferential.

Yet, what they see coming out of Congress is more pork for the few, while we ask the deserving many to go without, and they have gone without for too long. Those promises were made and those promises were made before September 11, but September 11 can serve as December 7 of 1941 did: as a rallying point for this Nation to come together in shared sacrifice for the common good of all Americans. That can only happen, that can only happen, if we invest in people and not the elite few.

Mr. ALLEN. The gentleman is so correct, Mr. Speaker. IBM is going to get $1.4 billion in a check from the Federal Government, and IBM is not sacrificing anything in the course of this great national effort to deal with terrorism both abroad and at home.

But one of my concerns, among others, is the long-term effect of these permanent give-backs on the economy as a whole, because these are not targeted. These are not 1-year tax cuts to stimulate investment.

I think we can make a case for that. We can make a case for a targeted tax cut to stimulate investment in the next year and in the next year only. But these are permanent, Mr. Speaker. These tax cuts that are being proposed not only are going to some of the largest corporations in the country, instead of going to, for example, acquiring vaccines and antibiotics, but they are not going to stimulate the economy.

Alan Greenspan pointed out that the last tax cut, the personal tax cut, the one passed in July, that tax cut, he concluded, of every dollar of that tax cut, approximately 20 cents was actually spent. The rest was either saved or it went to pay down credit card debt or something else.

If we provide a tax cut to those people who are really struggling, who have lost their jobs, who did not even earn enough money to get a $300 tax cut the last time, they have no choice, because they live from paycheck to paycheck. They will spend that money because that is the way it is, and that will help stimulate economic growth in this country.

Moreover, these permanent, long-term tax cuts for the wealthiest individuals and the largest corporations in the country will have the effect of draining the Federal Treasury, which means that we will not be paying down the national debt anything like we were talking about just before this summer. That will not happen.

As a result, the Federal Government will be taking money or will be borrowing money in the future that otherwise could go into the private sector, but we have lost our fiscal discipline. We have lost the ability in this Chamber now to say that we are going to constrain ourselves, we are not going to go overboard in spending, and we are not going to go overboard in tax cuts.

The hard truth is, we have gone so far overboard on tax cuts for the wealthiest individuals and the largest corporations that we are endangering our long-term economic security. We are acting in such a way that we will drive up interest rates for home mortgages, that will drive up interest rates for business loans, because the Federal Government will have to borrow more and more simply to stay afloat.

It is bad economic policy, and it will do great harm to the kinds of people that we are concerned about who are simply trying to get by, to pay the bills, to keep a job, and to keep their families together.

Mr. LARSON of Connecticut. If the gentleman will continue to yield, to add insult to injury, I might just say, adding insult to injury in the proposal in the so-called stimulus package under subsection S of the IRS Code provides and in fact encourages these same corporations to make investments overseas while we are laying people off in the United States of America.

It encourages overseas investments because those overseas investments would not be subject to our taxes here in this country. At the same time, we are laying people off here in our own country.

This is wrongheaded public policy, and it needs to be changed.

Mr. ALLEN. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Very briefly, and I thank the gentleman for this special order this evening, I think he is absolutely correct. As I look at the gentleman's chart and think of the choices, if we look at the vaccines and antibiotics we know we are going to need to face the challenges we face on bioterrorism, this is not a long-term commitment, this is a one-time thing. When we acquire it and get to that point, we will have it.

We need to remember, too, that in addition to the commitments of those folks at home for jobs and opportunity, bridging the gap for the problems we face now, we also have that commitment to our seniors, that greatest generation the gentleman talked about, that paid in their Social Security dollars, and some others are paying in, that we were going to maintain that promise and commitment to them.

There is not an endless supply of resources. This money will come out of those dollars. If we make it permanent, we will permanently impede our ability to meet the commitment to that greatest generation and others when they reach retirement age. That is bad public policy, it is wrong, and we have absolutely violated our commitment to them and to the commitments we made, as I said, last year and the year before that that we were not going to get into that money.

We are in a crisis now, and people know we have to deal with immediate things. But these kinds of public policies are not in the best interests of this country, they are not in the best interests of our people, and they certainly are not in the best interests of the future, when we want to have economic activity at the levels we have seen before for our children and our grandchildren.

I thank the gentleman because I think he is absolutely right. We can make good public policy. We can have a stimulus package that truly helps those who have a need and gets us back on the track to employment opportunities for the people who really need them.

□ 2245

Mr. ALLEN. The gentleman from North Carolina (Mr. ETHERIDGE) makes an important point and it is worth elaborating on.

If we write a check to IBM for $1.4 billion, that money comes out of the Federal Treasury. That is where it comes from. It is not available, for example, to acquire vaccines and antibiotics and we are going to have to do this. The President has said we have to do this. It is clear we have to do this. How much we have to do is the subject of debate, but we know we have to have more vaccines and antibiotics developed and acquired and stored and available.

Now, if this $1.4 billion that is just simply given back to IBM is not available, the money for acquiring vaccines

and antibiotics will be coming out of the general revenues of the Federal Government, but we are already well into the Social Security surplus. So what does that mean? That means that this $1.4 billion is coming out of the Social Security surplus.

Who pays into the Social Security fund and how much do they pay? Well, 7.5 percent from the employees, 7.5 percent from the employer up to about $80,000. And there we have to it, and that is where that money is coming from. Essentially, it is all coming, it is all coming from salaries of $80,000 and below.

Now, there will be some people who earn more than $80,000 but they are only paying their Social Security taxes on that first $80,000 or 82- or 83-, whatever the limit is now. So what we are doing is, we are getting to a place where we are funding with general revenues of the United States. We are actually starting to have a flat tax that hits the people at the lower end of the income scale much harder than the people at the upper end of the income scale, who are better able to afford it.

We developed a progressive tax system in this country because we believed it was fair. And now as we slide back into deficits and as we do these handouts for the largest corporations in the country, the effect is to lean even harder on the ordinary people of this country, who are just getting up every day, trying to keep their jobs, support their families, somehow pay for their health care; and these are the people who we are asking to sacrifice, even as we write a check to IBM, according to the Republican House proposal, for $1.4 billion.

Mr. Speaker, I yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, let me compliment again the gentleman from Maine (Mr. ALLEN) for the fine job he has done. I think many Americans can recall the great voice from outside this chamber, when writing about the Harvest of Shame, was Edward R. Murrow. And he talked eloquently and was able to visually bring home to so many Americans problems associated with poverty, of just a small element of society. And yet it was very powerful and resounding. It is my belief that we are going to need the same kind of voices beyond this Chamber as well to demonstrate to the American public in a resounding manner, a public that is tired of promises and platitudes, and not fulfilling the commitment to the people that we are sworn to serve here in this Chamber.

I believe that it is going to take voices beyond this Chamber to bring these issues home. But I commend the very strong voice, the gentleman from Maine (Mr. ALLEN) who has so tirelessly and eloquently stated the plight of the elderly with regard to prescription drugs, and this evening has laid out in very specific fashion, albeit a very narrow tax in terms of the repeal of the alternative minimum tax. But just that tax alone, when contrasted to what could be provided to the American public, it has got to make people very disturbed and upset when they see the tax cut juxtaposed against what could be homeland security relief for so many of our front line responders in municipalities and cities all across this Nation. I commend the gentleman again.

Mr. ALLEN. Mr. Speaker, I thank the gentleman. I appreciate his being with me tonight during this special order.

In 1854 Abraham Lincoln wrote, ''The role of governments is to do those things that a community of individuals cannot do or cannot do so well alone.''

What he was talking about is, our governments are there to do things that we, of necessity, do together. And so many of the things that relate to homeland security are just that. We cannot have an individual Coast Guard. We cannot protect our borders individual by individual. We cannot deal with the threat of terrorism. We cannot provide vaccines. We cannot deal with all of these threats to our existence, these national security threats, as individuals. We can only do it through our government, our governments really at all levels.

It is a tragedy that in the aftermath of September 11, when we think about the way people in this country have responded, this is, in my opinion, the greatest sense of common purpose, the most resolve, the greatest unity that we have had in my lifetime. And to squander that unity, that resolve, by returning to an old agenda of giving corporate tax breaks in the $25 billion range for this one tax cut alone, at a time when the country as a whole needs attention, not just aviation security, not just threats of bioterrorism but trying to deal with health care and education needs in this country, it is a tragedy that we would be so divided this way.

It is my hope that there will be a reconsideration of this issue, and that in the other body and in whatever conference emerges, that we will find a new way to express our common purpose, our common goals, the things we have to do together to deal with the threats that we are faced with today.

If we do that, I think that the sense of unity, the kind of resolve, the determination that we have, the sense that we are all in this together as the people of New York feel, as the people of Maine feel, and the people of Connecticut, and the people all across this country, if we do that, then I think this sense of common purpose can be preserved for a long time to come.

But if we degenerate into the same old tax breaks for the wealthiest individuals and the largest corporations in this country, if we degenerate into that, we will have lost an opportunity to pull ourselves together and lead this country over the next 10 years to a place we have not been before. That is our challenge. We have choices and we need to make better choices than we made 2 weeks ago.

Mr. Speaker, I thank the gentleman for being with me.

ANTI-AMERICAN SENTIMENT

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

Mr. TANCREDO. Mr. Speaker, as we face the calamity and the calamitous events of September 11 and recognize what our Nation now needs to do in response to that, we also recognize that there are literally hundreds, thousands, perhaps, hundreds of thousands of incidents of incredible patriotism that have been expressed by the average American citizen. We have seen the many pictures on TV and the representations of the flag being held aloft, and it is truly inspiring. And it is indeed necessary for our country to survive, to have that kind of united agreement upon our principles about who we are and what we are trying to accomplish in this conflict.

But recently it has come to my attention, and I am sure to the attention of many of my colleagues, that we are also reaping what the seeds of political correctness that have been sown in this Nation over the last several years are producing for us.

For years we have, I should not say we perhaps, because it is predominantly liberal political thought that has initiated a hatred for everything American, for everything with expressions of what might be called patriotic. Textbooks all over our land for the last 20 years or more have been purged of anything resembling an appreciation of those who fought and died for our freedom.

We make fun of the people who constructed the most brilliant political document ever to be conceived of by the mind of men on this planet. And we taught our children to ignore or even deride these people and our heritage. We look down upon any act of patriotism. It was not perceived to be politically correct.

Our media, of course, aided and abetted this anti-American spirit under the guise of an intellectual superiority and political correctness. Our courts on far too many occasion have encouraged this anti-American sentiment by interpreting the Constitution in a way that would have had Madison and Adams spinning in their graves.

All of these things, in fact, comprise old news. No one is really surprised

about that. We have talked about it certainly on this floor. I know many, many individuals have expressed their concern over the past years about the way in which American children were being taught in terms of our heritage and appreciation of those values that we call American.

By and large, as I say, Americans have reacted to the events of September 11 with great courage and great patriotism. But amazingly, amazingly there were many places in America where expressions of anti-American sentiment are still prevalent. Oftentimes, of course, they are college campuses where this goes on.

As recently as September 22, a gentleman by the name of Zewdalem Kebede, he is a recent American immigrant, he is from Ethiopia, he was studying in the campus library at San Diego State University, when he overheard a group of Saudi students discussing the suicide bombings of the Pentagon and the World Trade Center. They started talking about September 11, he said, and with the action that they were deeply pleased. They were happy.

The anti-American group, speaking in Arabic, thought that no one would be able to hear what they were saying. Kebede, who speaks fluent Arabic, surprised the anti-American students by interrupting their conversation in their native tongue. Guys, what are you talking about? And you are being unfair, he said. How do you feel happy when those 5,000 to 6,000 people are buried in two or three buildings. He said, You are proud of these terrorists. You should feel shame.

Kebede claims he addressed his fellow students in Arabic because he did not want to embarrass them in front of others. A Saudi student sitting at a nearby table then angrily confronted Kebede in English. The ensuing conversation grew heated. Thirty minutes later the police came for Kebede.

They informed him that a complaint had been issued against him. Soon the University Center for Student Rights ordered him to attend a disciplinary meeting because it was alleged he had been verbally abusive to other students. He received a letter ordering him not to respond to his accusers or he would face sanctions.

This is all from a story written by Daniel Flynn in Human Events the week of October 29, 2001.

□ 2300

The university, after a lot of outrage was expressed by some Members of the alumni especially, concluded the matter with an October 9 letter threatening disciplinary action against the political science senior: ''You are admonished to conduct yourself as a responsible member of the campus community in the future,'' San Diego's missive warned. Of course, I and many others would say that is exactly what Mr. Kebede was doing on September 22. He was conducting himself in a completely responsible manner, and yet he is the one attacked by the institution, by some of his fellow students.

Unfortunately, what happened to Mr. Kebede at San Diego is not an isolated incident. At Marquette University, undergraduates were blocked from holding a moment of silence around the American flag on September 11. The gesture, the school's president and advisers felt, might be ''offensive'' to foreign students. The administration felt that it showed too much nationalism or patriotism and respect to foreign students.

At Lehigh University, the vice provost for student affairs initially reacted to the tragedy of September 11 by banning the display of the American flag. Lehigh spokesman explained, ''The idea was to keep from offending some of our students, and maybe the result was much to the contrary.''

When officials at Arizona State removed the American flag from a school cafeteria out of fear that it might offend international students, Syrian immigrant Oubai Shahbandar introduced a bill in the student senate, paving the way for its return. Shahbandar's bill was defeated, but the ensuing bad publicity he generated against the school forced the administration's hand. The alumni threatened to pull their funding for the school. Money talked and the flag was returned.

Professor Robert Jensen of the University of Houston pronounced that, ''My primary anger is directed at the leaders of this country.'' That is his response to September 11. ''The attacks on the Pentagon and the World Trade Center are,'' he said, ''no more despicable than the massive acts of terrorism, the deliberate killing of civilians for political purposes that the U.S. Government has committed in my lifetime. We are just as guilty,'' he concluded.

University of New Mexico Professor Richard Berthold bluntly declared, ''Anyone who would blow up the Pentagon would get my vote.''

Undergraduates writing in campus newspapers echoed this hatred against the United States, and I cannot imagine that we would be too surprised at that. Is that not just exactly the results that these professors would want? Is that not exactly what these students had been taught for years, that it is always our fault; that there is nothing in this country worth dying for; that there is nothing special, nothing of uniqueness that would give us the right to defend our way of life? That is what they have been taught.

I remember, Mr. Speaker, it was years ago now, but it was a demonstration against the war in Vietnam, and there was a young man at my college, and he was carrying a banner, a poster; and it said there is nothing worth dying for, and I remember thinking to myself even at the time here is a fellow who is tan, just coming back from spring break, somewhere probably in the Bahamas. That is where a lot of the folks went in those days at spring break. He was certainly well dressed. He was well fed, well taken care of. It was apparent that he was not at all in need of any physical help or he was certainly well off and certainly a representation of the average American student on a college campus; and here he was carrying a sign saying that there was nothing worth dying for, not home, not heart, not kith, not kin, nothing worth dying for.

We had hoped that that sentiment would be squelched by life's reality, frankly. It is understandable that idealistic students would seek this alternative way of expressing themselves or this way of expressing themselves, perhaps, because it is a part of growing up and being disruptive and that sort of thing, but it goes deeper than that I believe, Mr. Speaker.

I believe that it infects our institutions, and it will infect our society to our great detriment. These students, who I started to mention, who wrote in various campus publications about America's involvement in Afghanistan, one of them said, ''We are kidding ourselves in thinking we have been wronged.''

This is Lisa Mann of Wake Forest University. She added, ''Sometimes it's our fault.''

''We sponsor dictators who maim. We defend corporations that enslave, and then we have the arrogance to pretend we are safe and untouchable,'' said a West Virginia University student, Joshua Green.

In light of the current destructive nationalism that calls for a war, a Duke student opined, the sight of the flag burning would be preferable to its display.

Mr. Kebede found out the hard way that if one loves America they are going to get in trouble, especially if they are on a campus and especially if they express that opinion. He was harassed by the university simply for disagreeing with people who welcomed the killing of thousands of Americans on September 11.

All that he is guilty of, Kebede insists, is loving his adoptive country. Is that a crime, he asks? At San Diego State, unfortunately, some people think it should be.

Public colleges that force patriotic students to remove American flags because they are potentially offensive and threaten to expel students who scold terrorists, cheering foreign students should immediately lose their government funding. This is something I agree with entirely. These examples that I have given and others that I will add to it are so disconcerting that I

think it deserves our attention in this body.

I am going to go on and add a few more. At Central Michigan University, a school administrator told several students to remove a patriotic poster and an American flag from their dormitory. A residential adviser said that pro-American items were offensive.

At Pennsylvania State University, a professor was told that his Web site, which advocated military action against terrorists, was insensitive and perhaps even intimidating. Under Penn State speech codes, intimidating language is grounds for dismissal.

At Florida Gulf Coast University, Dean of Library Services Kathleen Hoeth demanded that employees remove ''proud to be an American'' stickers from their work areas on the grounds that they might offend international students.

At the University of North Carolina in Wilmington, a professor is under an investigation for harassment after he told a female student that he supported U.S. military action in Afghanistan. The student said that the position made her feel uncomfortable.

These things are incredible; and they are, as I say, worthy of our note.

Recently, and this one is, I suppose, striking closer to home as one that really got me thinking about the issue to a greater extent, a few weeks ago Marcelee Gralapp, the Boulder, Colorado, Boulder Public Library's art director, recently turned down employee requests to hang a large flag from the glass entrance of the main branch. She said, ''It would compromise our objectivity and we do have many flags outside,'' she said. ''The idea is to make the environment of the library politically neutral to every one of the two to 3,000 Boulder residents that walk in each day,'' she said. ''We have people of every faith and culture work walking into this building and we want everybody to feel welcome.'' ''Library employees,'' she said, ''can wear flag pins and ribbons,'' but she urges them to do it thoughtfully, whatever that means.

Now this has caused quite a stir in the Colorado papers because the same time that this particular library/art director had turned down a request to hang a large flag in front of the library, she approved a bizarre sort of artistic representation, I do not even know how graphically I can describe what was in the library. Suffice it to say that it offended the sensibilities of many members of the community, one to the point where the gentleman actually took down the display.

□ 2310

As I say, it is very graphic, and I will not go into it here. It is a comparison of attitude. That is something that is very, very difficult. If I can describe it here, it would be very difficult to describe this particular display as artistic in any shape or form, and yet it was approved to put up, and an American flag was not approved to put up because it might offend somebody.

That is where we are, Mr. Speaker.

I cannot imagine, frankly, that an American flag flying can offend anyone in the United States of America. I know we offend people or it is offensive to people like bin Laden and his supporters. We see them burning it every day on the news. We see other terrorists throughout the world who do take offense at the American flag, and that is dutifully carried by all of the media throughout the world, whatever they do to the flag. There is little that we can do about that except to stand in revulsion of it.

But here in the United States of America, Mr. Speaker, here, where that flag has draped the coffin of so many men and women who have given everything, their lives, their limbs, their health, for us to enjoy the freedom that we every day experience here. To be offended by that symbol is incredible, of course, to most of us. I would assume everyone in this Chamber would agree that it is incomprehensible.

I would add, Mr. Speaker, as dramatic as this statement may seem, or I guess some would say bombastic, the reality is if one enjoys the freedoms provided by this country, if one enjoys the economic benefit provided by our system, by a free enterprise, capitalistic system, if one has sought that and come across our borders, oftentimes illegally, and has gained access to that freedom and economic opportunity, if you are offended, if you indeed take offense at the sight of an American flag flying from any building, from any porch, from any car antenna, if you take umbrage at that and if you are offended by that sight, then I say, get the hell out of the United States of America.

I do not believe there are millions of people who respond that way, but I believe there are some, undeniably, who do, who do take offense, and that is what these incredibly ultra-politically-correct librarians and school superintendents and principals are trying to reflect, because they themselves to a large extent take offense at the sight of the American flag, at the sight of its depiction. I say to them the same thing. How can you take advantage of everything this country has to offer and be offended by its symbol? It is truly incredible to me.

I will be attacked, of course, for being closed-mind and chauvinistic and all the rest of those things, I recognize that; but perhaps someone can explain to me in the midst of the attacks that I know will come as soon as I get back to the office, the phones have a tendency to light up when this subject is discussed, but perhaps someone can take the time to explain to me why I should not be offended personally at someone who says that they take offense at the flying of the flag.

Mr. Speaker, to that end, I have introduced H.R. 3201 which prohibits any department or agency of the United States from transferring any funds to any individual or entity that prohibits the display of the flag in the United States of America. That is it. It is one sentence.

I recognize full well that these people may have the absolute right to hate the United States as much as they do, to hate everything that we stand for. They have that right, but they do not have the right to command the tax dollars from hard-working Americans who do love this country, they do not have the right to take that money and then so callously disregard the system and the people who have created this wonderful experiment in freedom we call America.

Mr. Speaker, I would just go on now to one other topic, and that is the topic of immigration and immigration reform. To a certain extent my previous remarks did reflect my concerns about massive immigration, legal and illegal into this country. Immigration that has had incredibly detrimental effects, massive immigration that has had massive detrimental effects.

I want to go on with a series of discussions I have been having on the floor of the House over the last several weeks in which I have indicated that there are innumerable stories which have been brought to my attention with regard to the issue of immigration and the problems inherent in the system that we presently operate, or perhaps I should say the lack of a system that we presently operate.

We are just building a file of incredible, but true and let me get something here, Mr. Speaker. This is an e-mail address that we have, Tom.Tancredo@mail.house.gov, and the fax number is (202) 226–4623. We use this for people to communicate with us. There is no way to do that through the regular mail, and yet we have had lots of people, actually several thousand people, try to communicate with us about this issue, about immigration reform, expressing their concerns and opinions and their willingness to try to do something about it, and also bringing to my attention and to the attention of the body some of the incidents which I call unbelievable but true.

Here is one more for this evening. This comes from an article originally published in the New Times Broward Palm Beach on November 8, 2001.

''The INS' Mary Schneider warned of the terrorist threat, but no one listened to her. More than 2 years before the September 11 attack, a seasoned Federal immigration officer named Mary Schneider vehemently complained that Islamic visitors who were possibly terrorists were moving into

the Orlando area. She told INS officials that hundreds of aliens, some of whom she suspected were tied to Osama bin Laden, were illegally gaining residence. She further alleged that several INS supervisors had accepted bribes in return for allowing those aliens to remain in the country.

''Rather than investigate Ms. Schneider's complaints thoroughly, the INS began a campaign of retaliation against the 21-year immigration employee that nearly led to her termination.''

□ 2320

Ms. Schneider has information from five informants on long-running, extensive, felony bribery conspiracies engaged in by Orlando INS and staff at former congressional offices, unnamed. The bribery ring involved over 50 Islamic Muslim Moroccans, an unknown number of whom had ties to Ihab Ali, an Egyptian who lived in Orlando before he was imprisoned in 1999 in New York City for ties to Osama bin Laden and East Africa embassy bombings.

INS officials stole cash and jewelry from illegal aliens who had been detained, she claims.

Records of more than 200 felony immigration fraud cases were secretly removed from her office.

Whatever the merit of her allegations, Ms. Schneider's warnings certainly proved prophetic. Numerous Orlando ties to the suicide bombings and bin Laden have been uncovered both before and after the attacks, so many that the Orlando Sentinel recently suggested that Central Florida should be dubbed ''Terroristland.''

Ms. Schneider has retained the services of an attorney. Her one-time attorney, Mr. Ross, said that the INS and the FBI both dropped the ball in a big way. ''I was shocked that the Justice Department never investigated this. I don't think INS officials thought that what happened on September 11 would ever happen. Now people are actually going to look at this. Had the government followed Schneider's philosophy, we probably would have stopped some very bad people.''

Schneider would say, ''We are in danger. They are sending these terrorists into this country and I can't understand why more isn't being done. They are going to commit acts of terrorism in this country. She happened to hit the nail right on the head.''

This is just one individual. We have had literally scores of communications of a similar nature, many of them from INS officials, who today have told us that they are willing to provide testimony. One of them is actually going to provide testimony to this body. Mr. Speaker, I am the chairman of the Immigration Reform Caucus here and our caucus will hold a hearing on Thursday, this week, at which one of these individuals, a 30-year INS employee, perhaps we will have two but we know right now of one for sure who we were able to obtain whistleblower status for and eventually the INS agreed to allow him to testify when they recognized they really could not stop it although they threatened to fire him shortly after his decision to speak to various congressmen was made known. But he is going to be here.

As I say, we have had all kinds of information like this, from INS agents who are good, solid Americans wanting to do their job and who recognize that the organization for which they work is incredibly corrupt and incompetent. Those are strong words, I recognize, Mr. Speaker; but they are the only ones that accurately portray the system itself. Corrupt and incompetent.

She alleges, as I said, INS officials stealing cash and jewelry from illegal aliens who had been detained. She suggests that a bribery ring was involved and that many officials, even staff at a former, quote, unnamed congressional office was involved. These things have got to be dealt with. The INS refused to deal with it. Even the Justice Department refused to deal with it.

Mohammed Atta, a name all too well known to everyone in the United States now as the ringleader of the group of 19 terrorists who hijacked the planes on September 11, Mohammed Atta here on a visa, left the country and did so illegally. He was to fill out a particular form, he did not do that, saying that I am going to leave the country, I will be returning on a certain day. He did not do it. He left; he came back. He came back through Miami in January of this year. He should have been stopped at that point in time. The INS actually recognized that he had not in fact informed them, he had breached his contract, if you will, which is what a visa really is; and they could have at that time denied him entrance into the United States.

Mohammed Atta could have been stopped from coming back into the United States, at least in January. But the INS overlooked it, chose not to pay the slightest bit of attention to it. The INS time and time and time again, far too numerous to lay out in any 1-hour Special Order, but so many times that it is beyond imagination. It is unfathomable that this agency could be in charge of our security, our border security. They have put almost all of their resources into what I call immigration social work. When I was on a talk radio show in Denver not too long ago, shortly after I was on the radio the person running the show called the INS and had a spokesman for the INS come on. They said something like, isn't it your job to go after these people who are here illegally and get rid of them? And she said, well, kind of in a way. But really, she said, our main focus is to explain to these people why they are here illegally and then help them get benefits.

Mr. Speaker, I may be just confused about what I thought the INS was all about; but I think that that statement, that paraphrase in a nutshell describes the problem and the problem with which we must deal, and we must deal with it before leaving here this year. We have spent countless hours in the discussion of the degree to which we can make our airports more secure by improving the quality of the people that actually do the baggage screening. I have yet to hear any discussion of the literally hundreds of thousands of other people who have access to planes every single day, whether they be baggage handlers, whether they be food service workers, whether they be the people who repair the airplanes.

None of them fall under the scrutiny of this particular piece of legislation that we are spending an inordinate amount of time debating and was brought up many times by our friends on the other side here just a little bit ago. Is it not the least bit peculiar, is it not the least bid odd that we spend this amount of time focusing on one small part of the entire airport security problem, one tiny part, frankly, the baggage screening people, a very small number relatively speaking, but the sound and fury coming from this body and the other body about this would make you think that if we just solved this problem, we will all be okay, we can rest easy at night if we just simply make baggage screeners Federal employees, as if somehow magically by changing who their employer is, we will make these people much more competent. It is idiotic.

I personally, of course, support our efforts to try to improve airline security. I certainly support the House's bill which does so in a fashion far more definitive, far greater than the other body. As a person who flies twice a week, as most of the Members of this body do, I have a very personal stake in this thing of airline security. And contrary to the allegations made by our friends on the other side of massive payments and massive influence-peddling by these corporations who want to maintain it, I have never heard from any of them; and I want to know what Member of this body would vote for a piece of legislation that he or she thought did not enhance the security to the greatest extent possible, because he or she flies a lot and my family flies a lot and my grandchildren get on planes all the time. I am not going to do anything that is going to minimize or even jeopardize their safety if I possibly can.

I have voted for and I believe the House bill is better. But all that said, Mr. Speaker, it begs the question, is that all there is to security in this country? The baggage screeners and bombing Afghanistan, that is what we have done so far. We have not even accomplished the former. I totally, totally support the President's actions in

Afghanistan. I, of course, wish he had declared war; I wish he would have come to this body and asked for a declaration of war, because that is the constitutional way to handle this particular issue and crisis. Nonetheless, we are where we are. We have accomplished great things. The courage, the fortitude of our fighting men and women have persevered again. As the President said from that very podium the night he addressed the Nation, I know you will again make us proud, and they have.

□ 2330

And they have. But while we are fighting this struggle, again, I hesitate to call it a war, it actually is not, we have not declared war, but while we are fighting, involved in this struggle in Afghanistan, risking the lives of men and women in the uniform of the United States, we have paid literally no attention whatsoever to the most basic issue of security, of national security. It is not just bombing the terrorists in caves in Afghanistan; it is trying to stop those terrorists and their colleagues from coming across the borders of the United States.

If they get in here, I will worry about how they can get through a security checkpoint at an airport. We will do everything we can to stop them. But why would we not try to stop them at the border is the question that is begged by this discussion. Why would we not? Why have we not chosen to move as dramatically, as quickly, as expeditiously toward improving the security of our own borders as we have at enhancing the security of the people who look at the baggage going through the mechanism at the airport?

There are plenty of reasons, of course. It is, again, politically incorrect, going back to a discussion of the first part of my remarks. It is politically incorrect for us to talk about border security, because we are talking about then inhibiting the ability of people to come into the United States. And since most of the people coming into the United States, both legally and illegally, are coming from south of our border, it is an assumption that if you talk about immigration reform you are naturally talking about and expressing sort of a anti-Hispanic sentiment.

Mr. Speaker, I, for one, could not care less about the ethnicity of the people that are coming. It is the fact that our borders are insecure, and it is the fact that too many are coming, that I believe we must address. It does not matter from where. I am not talking about whether they are from Mexico, or Belgium. The issue is, who should control the boarders of a Nation? Should we actually? Is it the right of the United States to say who gets into the country and who does not? And if we say some do not, then should we not also say that it is our responsibility to try to prevent them from doing so illegally?

What part of this discussion is so hard for us in this body to comprehend? Why have we chosen not to deal with this? Many bills have been introduced. They have not seen the light of day. Even the administration has been reluctant to deal with the issue of immigration reform and border security, except in the most cursory ways, except talking about certain visa changes, changes in certain visa requirements.

Now, I am for strengthening visa requirements, Mr. Speaker, do not get me wrong. I am especially amazed at some of the more bizarre examples. This is another one of those incredible but true stories we could tell about immigration.

Up until just a short while ago, until we passed the anti-terrorism bill in this Congress and it was signed by the President just a short time ago, it was absolutely legal for anyone, well, put it this way: It was okay for someone to come to a consulate anywhere around the world, fill out a visa application and say on it I am a Member of al Qaeda, the terrorist network that is committed to the overthrow of your government, and I hate America, and I agree with all of the things al Qaeda has stated about the United States.

You could do that, and under our laws, that alone was not a reason to keep you out of the United States, because of something the other body and the leadership of the gentleman of Massachusetts sometime ago passed a law saying that just because someone has these political affiliations, they should not be kept out of the United States.

Incredible. Incredible, but true. Now, we reversed that when we passed the anti-terrorism bill. We added that one clause that says yes, they could be kept out. That is great. I am happy. But, Mr. Speaker, let us be serious about this. Does anybody think for a moment that a terrorist, potential or real, is going to be even remotely intimidated by the fact that they cannot now attest to their allegiance to a terrorist network when they fill out their visa form, and so therefore they are going to say gee, you know, Mr. bin Laden, I wanted to go into the United States and wreak some havoc upon their people and kill as many as I possibly could, but, you know, I could not get my visa, so I just went home.

Who thinks that? Who thinks that is going to stop them? Why would they not do exactly what millions of other people do every single year, walk across the border, north or south of the United States? Walk into the country, as perhaps at least six of the 19 hijackers did?

When we asked the INS for information about these people, they said, oh, we are not sure. We will let you know. So they sent us eventually a document that indicated that ten of the people were here illegally because they had either overstayed their visas or were not doing what their visa was approved for. But, unfortunately, six of the 19, they said, we have no idea. This is the sort of, I call it the logo, if you will, of the INS. It is a shrugging the shoulders. I do not know. I have no idea. I do not know where these people came from. I have no idea what they were doing here. I do not know how. Maybe they snuck in. Could have been. We do not know.

Where are the hundreds thousands of people, you could ask the INS, that have been ordered deported by immigration law judges across this country? Three hundred thousand people, Mr. Speaker, even the INS now agrees with this, we forced them into telling the truth about the numbers. Three hundred thousand, they say, so therefore I believe that is a very significant underestimate. But let us assume they are right, 300,000 people have been deported.

No, they have not been deported, they have only been ordered deported. They have been brought up for trial, for rape, murder, robbery, fraud, for you name it. Not just, by the way, for overstaying their visa. That never gets you in front of a court.

There are literally millions of people in the United States here illegally. It is estimated that 700,000 to 800,000 enter illegally through the visa process, who end up staying as permanent residents of the United States every single year. So we asked the INS about that. They go, oh, I am not sure. I do not know. I am not positive. I cannot tell you about that.

Where are the 300,000? I do not know. They say we cannot go look for these people. They were ordered deported, but we just do not have the resources. We have got other things to do. We have to show them how to get benefits.

That is the mentality of the INS, to show them how to get benefits. As I say, there are hundreds of people who are dedicated workers. I do not want to say thousands. I do not know if there are thousands in INS, but at least hundreds, I am sure, who are dedicated to the cause, dedicated to doing a good job, and they are thwarted by an agency that is completely and totally out of control. It is corrupt and it is incompetent. I repeat that allegation, and I want someone to prove me wrong, because, unfortunately, we today give them the responsibility of keeping our borders safe and secure.

Does anybody feel good about that? The people who have e-mailed us at this e-mail address or faxed us at that number, most of them, I would say 90 percent of them, do not feel comfortable with that, Mr. Speaker. They do not like the fact that the INS ignores the responsibility for protecting

the border, for not just the protection of the border, but then for internal investigations; what to do about the people who got here, who are here illegally. To ignore them completely is something that is akin to a death wish for the country.

Now, I know that most of the people who come into the United States illegally do not do so to do us harm. They do so mostly for personal benefit. Naturally. That is probably why most of our ancestors came.

□ 2340

But we cannot be that unconcerned. We do not know. It is not in our ability to be able to stand at the border and say, I know you are coming across the border illegally, but you appear to have no ill intent. You appear to be just coming across to get a job, send some money back home, improve your own life, maybe go back, maybe not. And we cannot determine that from the person who is coming across with the purpose of killing as many Americans as he or she can possibly kill. We cannot really decide that at the borders. So we have to do the next best thing. We have to secure the border from all illegal immigration. We have to call up the National Guard in each of the States that border Mexico or Canada and ask them to please use their resources, the National Guard, in defense of our borders. If that is not good enough, then we should put our own active duty troops on the border. We should use all the technology available to us, the sensing devices. We should use air flight.

Mr. Speaker, we should do everything we possibly can to make sure that no one comes across that border that we do not know about. Hard? Absolutely. Foolproof? Absolutely not. No matter how hard we try, someone probably will get through. No matter how hard we try, someone with the intent to kill or commit acts of atrocity in the United States may get through. But that does not excuse us from trying.

We have laws on the books, Mr. Speaker, against any one of thousands of various kinds of human behaviors, and those laws are violated pretty regularly and yet, no one suggests that we should simply ignore them because they are violated. We should do everything we can to protect our borders, everything we can. We should do everything we can to find the people who are here in the United States illegally and deport them. If we need workers, if we need workers in particular industries, fine. Establish a guest worker program that allows people to come in, allows their rights to be protected, and allows them to return home at the end of a contractual period of time, and an enforcement mechanism that makes sure that they do so, like a bond established for part of their wages or that the employer has to put up, part of the wages, that they can only be claimed once they return home. If we can convince this Congress, Mr. Speaker, that we need 10 million of these people every year, okay, that is fine, but bring them in here legally. Their lives are improved, their rights, they are not exploited by unscrupulous employers. That is fine with me. Then we determine how many people should be coming through just legally. Is it 1 million as it is today? I do not think so. It should be far fewer.

But regardless of what we determine to be the legal process whereby anybody gets into this country, we should do everything in our power to make sure that the illegal process that is used is slammed shut, at least to the best extent possible, to the greatest extent possible. Because as I have said oftentimes here on the floor of the House, and as I will repeat tonight, if, God forbid, another event of the nature of those that occurred on September 11, another event like that occurs, or like those occur and it is perpetrated by someone who comes across this border and is either here illegally at the time or enters illegally to do it, and we have not done everything in our power in this Congress to prevent that; I am not saying that it is foolproof, I emphasize that, it may still happen, but if we had not done everything in our power, then we are not just irresponsible, we are culpable. We have to live with that.

Mr. Speaker, I choose not to. I choose to know that I will do everything I could possibly do to bring to the attention of my colleagues and to the American people the seriousness of this debate on immigration reform. It is a matter now of life and death.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal reasons.

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

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. LARSON of Connecticut) to revise and extend their remarks and include extraneous material:)

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

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 2620. An act making appropriation 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.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, November 14, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4567. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Wisconsin [WI107–01–7337a; FRL–7064–4] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4568. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Indiana; Oxides of Nitrogen Regulations [IN 131b; FRL–7077–7] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4569. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation entitled the, ''Managerial Flexibility Act of 2001''; jointly to the Committees on Government Reform, Armed Services, International Relations, Intelligence (Permanent Select), Energy and Commerce, the Budget, Resources, Transportation and Infrastructure, Science, the Judiciary, and House Administration.

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. 2269. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; with an amendment (Rept. 106–262 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2776. A bill to designate buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, as the ''Frank R. Lautenberg Aviation Security Complex'' (Rept. 107–279). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2841. A bill to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building'' (Rept. 107–280). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 2873. A bill to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes; with an amendment (Rept. 107–281). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2546. A bill to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes; with an amendment (Rept. 107–282). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 3060. A bill to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission (Rept. 107–283). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2828. A bill to authorize refunds of amounts collected from Klamath Project irrigation and drainage districts for operation and maintenance of the Project's transferred and reserved works for water year 2001, and for other purposes; with amendments (Rept. 107–284). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1913. A bill to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes; with an amendment (Rept. 107–285). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2976. A bill to provide for the issuance of a special entrance pass for free admission to any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes to the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly affected by the September 11, 2001, terrorist hijackings and the attacks on the World Trade Center and the Pentagon, and for other purposes (Rept. 107–286). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 286. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–287). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 2768. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; with an amendment (Rept. 107–288 Pt. 1). 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. 2768. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 16, 2001.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. RUSH (for himself, Mr. SANDERS, Mr. CLAY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Mr. OWENS, Mr. PAYNE, Mr. TOWNS, Mr. DAVIS of Illinois, and Mr. GONZALEZ):

H.R. 3277. A bill to expand the moratorium on foreclosure on FHA single family mortgage loans of borrowers affected by the events of September 11, 2001, to employees of air carriers and aircraft manufacturers who are involuntarily separated after such date and to further extend such moratorium; to the Committee on Financial Services.

By Mr. CAMP (for himself, Mr. JEFFERSON, Mr. BARTON of Texas, Mr. STARK, Mr. ENGLISH, Mr. BONIOR, Mrs. THURMAN, Mr. GORDON, Mr. SHIMKUS, Ms. ESHOO, Mr. RUSH, Mr. DOYLE, Mr. TOWNS, Mrs. JONES of Ohio, and Mr. EHLERS):

H.R. 3278. A bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. MARKEY:

H.R. 3279. A bill to require the Nuclear Regulatory Commission to ensure that sufficient stockpiles of potassium iodide tablets have been established near nuclear power plants and that appropriate plans for their utilization exist; to the Committee on Energy and Commerce.

By Mrs. MINK of Hawaii:

H.R. 3280. A bill to amend title 37, United States Code, to reduce the number of consecutive days of deployment required before a member of a reserve component of the uniformed services is entitled to the higher rate of the basic allowance for housing; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 3281. A bill to amend the Internal Revenue Code of 1986 to allow individuals a temporary deduction for travel expenses for the costs of travel after September 11, 2001, and before September 12, 2002; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 3282. A bill to designate the Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the ''Mike Mansfield Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Ms. SCHAKOWSKY (for herself, Ms. PELOSI, Mr. RUSH, Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mr. PAYNE, Ms. LEE, Ms. NORTON, Ms. KILPATRICK, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. DELAURO, Mrs. MINK of Hawaii, Mr. LIPINSKI, Mr. MORAN of Virginia, Mr. EVANS, and Mrs. CLAYTON):

H.R. 3283. A bill to direct the Consumer Product Safety Commission to promulgate a consumer product safety standard under section 7(a) of the Consumer Product Safety Act for each durable infant or toddler product, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 3284. A bill to amend title XVIII of the Social Security Act to provide for a complete transition period for the reduction of Medicare beneficiary copayment for hospital outpatient department services furnished under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. WEINER (for himself, Mr. CONYERS, Mr. FOSSELLA, Mr. GILMAN, Mr. GRUCCI, Mr. KING, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. OWENS, Mr. REYNOLDS, Mr. SERRANO, Mr. SWEENEY, and Ms. HARMAN):

H.R. 3285. A bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself, Mrs. MYRICK, Mr. GALLEGLY, Mr. DOOLITTLE, Mr. SCHAFFER, Mr. GOODE, and Mr. DEAL of Georgia):

H.R. 3286. A bill to provide for a temporary moratorium on visas for certain aliens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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. WYNN:

H.R. 3287. A bill to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the ''Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center''; to the Committee on Government Reform.

By Mr. GEKAS (for himself, Mr. KANJORSKI, Mr. PITTS, and Mr. PLATTS):

H. Con. Res. 267. Concurrent resolution expressing the sense of the Congress concerning the security of nuclear facilities in the United States; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, 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. MORELLA (for herself and Mrs. MALONEY of New York):

H. Con. Res. 268. Concurrent resolution expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. BILIRAKIS, Mrs. MALONEY of New York, Mr. MENENDEZ, Mr. SHERMAN, Mr. PALLONE, Mr. HINCHEY, Mr. CAPUANO, Mr. CROWLEY, and Mr. TIERNEY):

H. Con. Res. 269. Concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus; to the Committee on International Relations.

By Mr. FORBES (for himself and Mr. KENNEDY of Minnesota) (both by request):

H. Res. 287. A resolution honoring the continuing service and commitment of the members of the National Guard and Reserve units activated in support of Operation Enduring Freedom; to the Committee on Armed Services.

ADDITIONAL SPONSORS

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

H.R. 17: Mrs. CAPPS.
H.R. 111: Mr. ANDREWS.
H.R. 162: Mr. HASTINGS of Florida, Mr. SAXTON, and Ms. MCCOLLUM.
H.R. 527: Mr. CAMP.
H.R. 782: Mr. UPTON and Mrs. MINK of Hawaii.
H.R. 783: Mr. MCHUGH.
H.R. 1041: Mr. CARDIN.
H.R. 1090: Mr. MCGOVERN, Mr. DICKS, and Mr. WICKER.
H.R. 1170: Ms. SOLIS.
H.R. 1178: Mr. ENGLISH, Mr. ETHERIDGE, and Mr. HASTINGS of Florida.
H.R. 1265: Mr. INSLEE.
H.R. 1296: Mr. GRAVES, Ms. VELÁZQUEZ, Mr. CULBERSON, and Mr. SANDLIN.
H.R. 1318: Mr. ENGLISH and Mr. TANCREDO.
H.R. 1405: Mr. HYDE.
H.R. 1433: Mr. ENGLISH.
H.R. 1436: Mr. LUTHER, Mr. GRAVES, and Mr. JOHNSON of Illinois.
H.R. 1465: Mr. HALL of Ohio.
H.R. 1624: Mrs. BIGGERT and Mr. STUMP.
H.R. 1733: Mr. HINCHEY, Mrs. MINK of Hawaii, and Mr. CROWLEY.
H.R. 1734: Mr. ANDREWS.
H.R. 1782: Mr. PETERSON of Pennsylvania and Ms. HART.
H.R. 1798: Mr. INSLEE.
H.R. 2023: Mr. FORBES.
H.R. 2125: Mr. EVANS, Mr. HAYES, Mr. RADANOVICH, Mr. SMITH of Washington, Mr. WEINER, Mr. INSLEE, Mrs. BIGGERT, and Mr. JENKINS.
H.R. 2219: Mr. MCINTYRE.
H.R. 2220: Mr. BECERRA and Ms. WATSON.
H.R. 2349: Mr. BLAGOJEVICH and Mrs. CHRISTENSEN.
H.R. 2442: Ms. HART.
H.R. 2459: Mr. GEORGE MILLER of California.
H.R. 2573: Mr. KILDEE, Mr. LUTHER, and Ms. LOFGREN.
H.R. 2592: Mr. MCGOVERN.
H.R. 2623: Ms. KAPTUR.
H.R. 2629: Mr. WELLER, Mr. SCHROCK, and Mrs. LOWEY.
H.R. 2709: Mr. TIERNEY.
H.R. 2749: Mr. SMITH of Washington.
H.R. 2794: Mr. LEACH.
H.R. 2795: Mr. BARTLETT of Maryland and Mr. HERGER.
H.R. 2835: Mr. HYDE, Mr. HORN, Mr. LATOURETTE, and Mr. GILMAN.
H.R. 2839: Mr. BAIRD.
H.R. 2896: Mr. SANDLIN.
H.R. 2946: Mr. SHERMAN and Mr. KILDEE.
H.R. 2960: Mr. KERNS.
H.R. 2970: Mr. NEAL of Massachusetts and Mr. TOM DAVIS of Virginia.
H.R. 3029: Mr. GRUCCI.
H.R. 3046: Ms. HART and Ms. WOOLSEY.
H.R. 3054: Mr. PASTOR, Ms. DELAURO, Mr. FROST, Mrs. THURMAN, Mr. FALEOMAVAEGA, Ms. SLAUGHTER, Mr. REYNOLDS, Ms. KAPTUR, Ms. LOFGREN, and Mr. ACEVEDO-VILA.
H.R. 3087: Ms. WOOLSEY, Mr. PAUL, and Mr. HILL.
H.R. 3105: Mr. MCCRERY.
H.R. 3106: Ms. HOOLEY of Oregon.
H.R. 3161: Mr. BLUMENAUER, Mr. HINOJOSA, Mr. SCHIFF, Mr. BARRETT, Ms. BERKLEY, and Mr. SIMMONS.
H.R. 3175: Mr. KING, Mr. ENGEL, Mr. ENGLISH, and Mr. SHUSTER.
H.R. 3176: Mr. KENNEDY of Minnesota and Mr. RYUN of Kansas.
H.R. 3178: Mrs. TAUSCHER, Ms. HART, and Mr. INSLEE.
H.R. 3183: Mr. CALVERT.
H.R. 3201: Mr. SCHAFFER, Mr. EVERETT, Mr. HOSTETTLER, and Mr. KENNEDY of Minnesota.
H.R. 3210: Mr. BEREUTER, Mr. LATOURETTE, and Ms. PRYCE of Ohio.
H.R. 3215: Mr. EHLERS, Mr. BALLENGER, Mr. TANCREDO, Mr. STUMP, Mr. CALLAHAN, Mr. BROWN of South Carolina, Mr. CULBERSON, Mr. BOEHLERT, Mr. LATOURETTE, Mr. COBLE, Mr. LIPINSKI, Mr. DELAY, and Mr. FOLEY.
H.R. 3217: Mrs. JONES of Ohio, Mr. LIPINSKI, Mr. MCGOVERN, Mrs. THURMAN, and Mr. ACKERMAN.
H.R. 3219: Mr. KING, Mr. COOKSEY, Mr. PALLONE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Mr. WAXMAN, and Mr. FRANK.
H.R. 3230: Mr. WELDON of Florida.
H.R. 3235: Mr. ALLEN, Mr. SANDERS, Ms. ROYBAL-ALLARD, Ms. KAPTUR, and Mrs. JONES of Ohio.
H.R. 3238: Mr. TIERNEY and Mr. BONIOR.
H.R. 3240: Mr. BALLENGER.
H.R. 3246: Mr. STRICKLAND.
H.R. 3267: Mr. GEORGE MILLER of California.
H.J. Res. 21: Ms. LEE.
H. Con. Res. 77: Mr. HORN.
H. Con. Res. 222: Mr. PENCE and Mr. MCNULTY.
H. Con. Res. 249: Mr. BOEHLERT, Mrs. KELLY, Mr. LARSON of Connecticut, Ms. MCKINNEY, and Mr. REYNOLDS.
H. Con. Res. 257: Mr. WYNN, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. BLUMENAUER, and Mrs. MCCARTHY of New York.
H. Con. Res. 260: Mr. WATT of North Carolina, Mr. CONYERS, Mrs. CLAYTON, Mrs. JONES of Ohio, Ms. CARSON of Indiana, Mrs. MEEK of Florida, and Mr. CLYBURN.
H. Res. 235: Mr. ENGLISH.
H. Res. 265: Mrs. BONO.
H. Res. 276: Mr. WOLF and Mr. OSBORNE.
H. Res. 281: Mr. HOEFFEL, Mr. BURTON of Indiana, Mr. KIRK, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. FARR of California, Mr. BORSKI, Mr. CHABOT, Mr. DICKS, and Mrs. CAPPS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 2779: Ms. SCHAKOWSKY.

EXTENSIONS OF REMARKS

HONORING PAULINE KLIEWER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Pauline Kliewer for being named ''Registered Nurse of the Year'' by the Central Valley Coalition of Nursing Organizations. Kliewer will receive the award in the Education category.

In her 30 years as a nursing educator, Pauline has gained a reputation as a strong advocate for nursing education. She has mastered the ability to blend the science of nursing, the art of education, and the importance of relationships into effective nursing education.

Pauline has been an active member of her community. She is a mentor, volunteer, and supporter for the Hope Now For Youth organization. She is a member of First Presbyterian Church, where she has served as a church elder and a Sunday school teacher, Christian education director, and choir director. Pauline is a member of the Nursing Leadership Council and the Chairman of the Paradigm Program. She is also the Central Valley liaison for the Differentiated Practice Research Project.

Mr. Speaker, I want to congratulate Pauline Kliewer for being named ''Registered Nurse of the Year'' in the category of Education by the Central Valley Coalition of Nursing Organizations. I urge my colleagues to join me in wishing Pauline Kliewer many more years of continued success.

TRIBUTE TO ROBERT A. TROTT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. KNOLLENBERG. Mr. Speaker, today I pay tribute to Robert A. Trott, a former constituent of Michigan's 11th Congressional District. Mr. Trott, enjoying his 74th year on this earth, passed away on October 22, 2001.

Mr. Trott spent most of his life in Michigan before he retired in 1992 and moved to Ohio. He grew up in Rochester and attended the Detroit College of Law. After his graduation, he eventually worked his way up to become senior vice president of mortgage servicing for Advance Mortgage Corporation in Detroit.

In 1976, he founded the Trott & Trott law firm with the assistance of his first wife, Rose, who predeceased him in 1986. It has grown over the years to become one of the largest firms in the Nation conducting residential default procedures. It employs over 250 people representing clients nationwide and is now run by Mr. Trott's son, David Trott.

Robert Trott was committed to his law firm and he was committed to serving his profession; he was a member of the State Bar of Michigan, a member of the Bankruptcy Rules Committee for the Eastern District of Michigan, and he was chairman of the Servicing Committee of the Mortgage Bankers Association of America.

But most of all, Mr. Trott was committed to his family. As a husband, father, and grandfather, he had a kind heart and gave unselfishly to his family. He used to tell his family that he was always in their corner rooting for them. Mr. Trott taught his finally about many things, but most importantly, he taught and gave them love.

Mr. Speaker, Robert Trott achieved many great goals which has improved Michigan's community, but his biggest contribution was his commitment to his family. I send my prayers to everyone who knew Bob, especially his wife Jo Ann, his son and daughter-in-law David and Kathlenn, and his three grandchildren, Duke, Courtney, and Taylor Rose, during this difficult time.

HONORING MAMA PAT PATRICK

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to pay special tribute to a woman who has exhibited extraordinary efforts in uniting the Santa Barbara community through music.

On November 10, 2001, the Beacon of Light Foundation honored Mama Pat for her 21 years of community service. Mama Pat founded the Inner Light Community Gospel Choir in 1980 with the goal of introducing African-American gospel music to the Santa Barbara community. Citizens from all walks of life and backgrounds demonstrated a willingness and desire to sing gospel music. The choir is nondenominational and interracial, and has done wonders for bringing diverse cultures together. The choir has been a wonderful way of uniting multiple ethnicities and sharing musical traditions among cultures.

Mama Pat is also a member of the international organization, the Gospel Music Workshop of America, which was founded by the Reverend James Cleveland. She was responsible for introducing the Inner Light Community Gospel Choir to this organization. Since its induction, the Inner Light Community Gospel Choir has performed throughout the United States and Scotland.

In addition to her musical contributions to the community, Mama Pat has also been instrumental in educating the community about African-American history. She worked hard to obtain the Black History Flags that fly along State Street in Santa Barbara every February in honor of Black History Month.

Mama Pat is such a wonderful individual who has made such extraordinary accomplishments in the Santa Barbara community that it is only fitting that we pay tribute to her today.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. BURTON of Indiana. Mr. Speaker, due to a serious illness in my family, I was regrettably unable to be present for legislative business scheduled for November 6–8, 2001. Had I been present I would have voted ''yea'' on rollcall votes numbered 426–434.

CONGRATULATING NANCY PITIGLIANO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Nancy Pitigliano for receiving a 2001 Common Threads Award. This award is presented to women in agriculture who have made a remarkable contribution to their community through volunteer work and philanthropy.

Nancy Pitigliano has worked at the state and federal level to advance the cause of farmers and ranchers in California agriculture. Nancy and her husband, Charlie, operate a custom farming and harvesting company. She is active in the Tulare County Farm Bureau, where she currently holds the office of first vice-president. She has been involved with the Farm Bureau Youth Leadership, California Farm Bureau Federation Water Advisory Committee, California Women for Agriculture, San Joaquin River Coalition, Friant Farm PAC, Breast Cancer Awareness, World Ag Expo, Tulare Les Petit Children's Home Society, Tulare Garden Club, and St. Aloysius Church.

Mr. Speaker, I rise today to congratulate Nancy Pitigliano for earning a 2001 Common Threads Award. She has shown outstanding involvement, not only in agriculture, but also in strengthening her community. I urge my colleagues to join me in wishing Ms. Pitigliano a bright future and continued success.

TRIBUTE TO RENEÉ STEVENS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. KNOLLENBERG. Mr. Speaker, I rise today to pay tribute to a remarkable young

lady from my State, Miss Reneé Stevens. I am pleased to report she is in Orlando, FL, preparing to compete for the national title of ''Miss American Coed for 2002.''

American Coed State Pageants have been held nationwide annually for the past 18 years to recognize and reward outstanding young women for their past and present accomplishments. Last Memorial Day, Miss Stevens was given the crown and title of ''Miss Michigan American Coed 2001.'' She was judged on poise, appearance, and presentation during interviews and an evening gown competition.

Miss Stevens, a 2000 graduate from Troy High School, will now compete in the National Miss American Coed Pageant. Nationwide, State winners and State pageant finalists will be competing in the 18th annual national scholarship competition to be crowned ''Miss American Coed for 2002.''

Mr. Speaker, there is no doubt Miss Stevens will make Michigan proud by representing her home State. I congratulate Reneé and wish her continued success in all her future endeavors.

HONORING THOMAS J. SULLIVAN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to an extraordinary citizen of California's Central Coast, Tom Sullivan. Because of his longtime dedication to the United Way, the organization honored him on November 9, 2001, in San Luis Obispo, CA.

Although Mr. Sullivan has been with the San Luis Obispo chapter of the United Way since 1988, he has served the United Way for over half a century, beginning in 1950 when he was living in Texas. Countless communities throughout the United States have benefited from Mr. Sullivan's dedication as a volunteer, and he recently received a lifetime appointment as the Director Emeritus of the Board of Directors.

In addition to the United Way, Mr. Sullivan has been a board member for numerous other organizations, including the American Red Cross, the Salvation Army, the San Luis Obispo County Latino Outreach Council, the San Luis Obispo County Sheriff's Advisory Council, and the San Luis Obispo International Film Festival. He is also a member of the Cuesta College Cultural Diversity Committee, a member of the Community Advisory Group of the Grizzly Academy-CA National Guard, a member of the County of San Luis Obispo Economic Advisory Committee, a Director of the San Luis Obispo County Economic Vitality Corporation, and a Regent of the Newman Catholic Center. And I'm sure that, if possible, this list will only continue to grow until every last San Luis Obispo County organization has benefited in some way from Mr. Sullivan's remarkable community dedication.

Tom Sullivan is a truly extraordinary individual, and I am so proud to represent a citizen of his caliber. He has been a tremendous asset to his community, and I wish him the best of luck in his new position with the United Way. He has truly earned it, and will be an irreplaceable asset to the board.

ALL SAINTS EPISCOPAL SCHOOL RECOGNIZED FOR EXCELLENCE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. COMBEST. Mr. Speaker, I rise today to commend All Saints Episcopal School from my home town in Lubbock, TX, for their outstanding efforts to help those who were affected by the tragic events of September 11. Due to heightened security issues in Washington, DC, 25 students from All Saints were forced to cancel their school trip to our Nation's capital. Nonetheless, on September 24, 2001, the All Saints Episcopal school chapel held a service and donated the offering to the New York City Relief Fund. All Saints Episcopal was able to make a donation of nearly $8,000 to the victims' families through the American Red Cross.

This U.S.A. Blue Ribbon School of Excellence is also participating in an ongoing endeavor to raise money for the Afghan Children's Relief fund. More than 10 million children in Afghanistan suffer from the effects of Taliban repressive policies. Over the past 20 years Afghan children and their families have faced war, earthquakes, drought, and poverty. Now, many of them live in refugee camps where there is not enough food and water, or warm blankets to protect them from the cold winds of the brutal Afghan winter. The students' donation to the American Fund for Afghan Children will help feed and shelter children living in this cruel environment.

The students' motivation set an inspirational path which should encourage Americans to continue this humanitarian effort. It is with great pride that I recognize All Saints Episcopal School for their tremendous accomplishments and dedication to the United States.

HONORING MOVSES JANBAZIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the memory of Movses B. Janbazian for his prominent leadership in the nation's Armenian community. Reverend Janbazian died in his office on October 25, 2000, of a massive heart attack.

Janbazian was the executive director of the Armenian Missionary Association of America, a 30,000 member group that provides relief and missionary service around the world. Janbazian, a native of Anjar, Lebanon, had headed the group since 1987.

Mr. Janbazian was also an ordained pastor and served on the board of trustees at Haigazian University in Lebanon. His work was always done with the best interests of the Armenian community in mind.

Mr. Speaker, I rise to honor Movses B. Janbazian for his life-long dedication to the nation's Armenian community. I urge my colleagues to join me in honoring the memory of Movses B. Janbazian.

TRIBUTE TO LONG BRANCH ELKS LODGE 742

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. PALLONE. Mr. Speaker, I call attention to the chair and my colleagues, a distinguished group of residents from the 6th district of New Jersey. Long Branch Lodge 742 of the Benevolent and Protective Order of Elks will celebrate its 100th anniversary on December 8, 2001.

The Elks Lodge has occupied the same small building on Garfield Street in Long Branch since its founding in 1901. The lodge has served the community of Long Branch and hosted gala fairs and many important events in Long Branch's history.

Lodge 742, known as ''the lodge by the sea'' has served the elite lodge of south central New Jersey since its inception.

Lodge 742 has the distinction of being the lodge to host the first ever reunion of the New Jersey State Elks Association in June 1914. It has hosted a total of over 10,000 participants in events over the past 100 years.

The lodge is much more than a building, more than just a group for historical curiosity, and more than just an address on Garfield Street. The lodge is a representation of the people of Long Branch, its history, society, and longevity. The lodge has had 742 members over its history and has contributed so much to the grandeur and excitement of the city of Long Branch.

Now entering its second century of ''Elkdom'', I would like to congratulate the Long Branch Elks Lodge, its 372 current members, its city and its people on this momentous occasion.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. JONES of Ohio. Mr. Speaker, had I been present on Tuesday, November 6, 2001, the record would reflect that I would have voted:

On Roll 426, H.R. 768, On Motion to Suspend the Rule and Agree to Senate Amendments, Need-Based Educational Aid Act, ''yea.''

On Roll 427, H.R. 1408, On Motion to Suspend the Rules and Pass, as Amended, Financial Services Antifraud Network Act, ''yea.''

On Roll 428, S. 1447, On Motion to Instruct Conferees, Aviation Security Act, ''yea.''

Had I been present on Wednesday, November 7, 2001, the record would reflect that I would have voted:

On Roll 429, H.R. 2998, On Motion to Suspend the Rules and Pass, as Amended, Radio Free Afghanistan Act, ''yea.''

On Roll 430, H.R. 852, On Motion to Suspend the Rules and Pass, Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse Act, ''yea.''

On Roll 431, H.R. 3167, Gerald B.H. Solomon Freedom Consolidation Act, ''yea.''

On Roll 432, H. Con. Res. 262, On Motion to Suspend the Rules and Agree, Negotiations to Be Held at Doha, Qatar, ''yea.''

I was unable to return to Congress on November 6th and 7th due to pressing matters in my district.

TRIBUTE TO BARBARA YAROSLAVSKY

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. BERMAN and Mr. WAXMAN. Mr. Speaker, we are honored to pay tribute to our good friend of many years, Barbara Yaroslavsky. Barbara is being presented the prestigious Tzedek (Justice) Award on December 2, 2001 by the Labor Zionist Alliance in Los Angeles. We cannot think of a more deserving recipient of this award.

Barbara has a long and remarkable history of philanthropy, community service and as a strong voice for education and health care rights. When Barbara volunteers to sit on a board or task force, she doesn't just show up. She actively participates and often finds herself leading the group, always compassionately and wisely.

Barbara has served for the last six years on the Mayor's Task Force on Volunteerism. Last year she also worked as a consultant on several successful educational projects for the Host Committee, which brought the Democratic Convention to Los Angeles.

Barbara is a fierce advocate for education and has served as vice president for the Bureau of Jewish Education. Barbara also serves on the board of LA's Best, a nationally recognized organization for after school programs in 101 schools throughout Los Angeles. She is a member of the task force of Koreh L.A., the literacy program of the Jewish Community Relations Committee (JCRC). She is active on the Undergraduate Student Scholarship Committee at the University of California at San Diego. She is committed to bringing every child a stimulating, challenging, and quality education.

Barbara is equally committed to access to health care, which she believes is a right, not a privilege. She is an active member of the Friends of the LA Free Clinic and co-chairs its president's council. The Los Angeles Free Clinic is a vital asset within Los Angeles' health care system, serving over 50,000 clients. Barbara has seen to it that the clinic maintain its strong presence in the community in this uncertain time of health care availability.

The Tzedek Award honors Barbara for her legacy of community service and her passionate work on behalf of the Jewish community. Barbara chairs the Jewish Public Affairs Committee of California and recently led an important mission to Sacramento to meet with elected officials on legislative issues including charitable choice, gun control and affordable housing. She is also a member of the administrative committee of the Jewish Labor Committee and participates in the Latino Jewish dialogue.

We are honored to call Barbara Yaroslavsky our friend, and we ask our colleagues to join us in recognizing her distinguished record of accomplishments.

IN HONOR OF AMERICAN VETERANS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. FORBES. Mr. Speaker, I rise to honor the veterans of this great land. In 1918, on the eleventh hour of the eleventh day in the eleventh month, the world rejoiced and celebrated. After four years of bitter war, an armistics was signed. The ''war to end all wars'' was over. A year later, Armistice Day was declared in the United States, to remember the sacrifices that men and women made in order to ensure a lasting peace. Later this holiday was renamed Veterans' Day, and while it has traditionally been a day of parades and speeches by politicians, this year it means much more than that. This day is America's chance to thank those who have protected them, even when the threat against the homeland was not so clearly defined. This day is America's chance to honor those who lost their lives in service to our nation. This day is America's chance to unite behind the men and women who are now wearing the uniform that generations of heroes wore before them.

As our nation's 1.3 million active servicemembers fight this war, let us not forget that thousands of our nation's veterans are dying each day. Congress has made some great strides on behalf of our veterans this year. Since January, the House has passed legislation that will benefit the 2.3 million disabled veterans or survivors of disabled veterans, increasing their benefits by $2.7 billion. We have expanded the available hours of the VA's toll free information service. We have expanded health and life insurance coverage for surviving dependants of veterans, and we have provided $550 million over the next two years to repair and renovate VA medical facilities. Finally, we have increased GI Bill educational benefits to qualifying servicemembers by 70%.

We are on the right track, but we need to keep pressing forward. We need to make a real effort to make progress on remaining issues. Implementing concurrent receipt, making further improvements on military retiree health care, cutting the red tape for veterans claims. Our veterans sacrificed their lives and liberties. We should make every effort to show our gratitude by taking action on the issues that concern them. I appreciate all the hard work of our leadership and our Veterans Affairs Committee members, and encourage my colleagues to join in this important effort.

RECOGNIZING THE LIFELONG DEDICATION TO CHILDREN OF ANI ''MICHELLE'' TWITCHELL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. MORELLA. Mr. Speaker, I rise today in recognition of one of my constituents, Ani ''Michelle'' Twitchell, who has used her life experience to impact the lives of numerous young people. In fact, it is safe to say that she has dedicated her own life to the improvement of all young lives.

Ms. Twitchell has recently composed a book, in which she assumes a necessary task in these troubling times. Her book, titled ''What Happening,'' addresses the questions preschool age children may be asking their parents and teachers in the face of the Nation's crisis. A press release reads, ''[Twitchell] mentally imagines herself in the classroom telling stories about police sirens, fire engines and ambulances to her young pre-schoolers and answering their questions.'' Far from opportunities, the book's theme represents a profound love for children and a desire to inspire strength in the midst of confusion.

I am hardly surprised that Ms. Twitchell has taken on such a task. As I stated, her life's path has led her to an unmatched level of dedication to children's education. She grew up in Princess Town, Trinidad and Tobago, in a family of six children, where she was consistently called upon to act as a parent. At the age of 20, she was widowed with a five month old son. Seeking a better life for herself and her child, she came to this country wishing to raise all children as healthy and strong individuals.

At present, her story finds her as a teacher and Health and Safety Coordinatorr for the Kindercare facility in Germantown, Maryland, with three beautiful sons, aged five and seven and eighteen. She has long dreammed of establishing a boarding school for abandoned children. Perhaps her book will serve as a stepping stone to the realization of this dream.

War and terrorism are more than evils to be fought with intelligence and weapons. They are frigthening strangers in the minds of young children, which we have disburbingly little ability to explain in terms familiar to pre-schoolers. Neither public condemnation nor news coverage provide meaning for our young. While we are all affected in these times of terror, only our children lack the life experience to help them through their fear.

I am proud of Ms. Twitchell, I am thankful for her words, and I believe we are all blessed by the love in her heart. Please join me in thanking Ms. Ani ''Michelle'' Twitchell for her unmatched contribution to our children's wellbeing.

GOVERNMENT GUARANTEE OF GINNIE MAE AND FREDDIE MAC

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. NEY. Mr. Speaker, as the Vice Chairman of the Capital Markets Subcommittee of the Financial Services, I wanted to join in the concern expressed by the Subcommittee Chairman RICHARD BAKER about a proposal to expand the government guarantee provided by Ginnie Mae (the Government National Mortgage Association) into the conventional mortgage market.

Last week H.R. 3206, ''The Home Ownership Expansion and Opportunities Act of 2001,'' was introduced in the House of Representatives. While I strongly support the spirit and intent of this proposal, I am deeply concerned that the unintended consequence of the bill will be to make the American Taxpayer liable for unnecessary risk in the event of an economic downturn.

Over the past few years, under the leadership of Chairman BAKER, the Financial Services Capital Markets Subcommittee has spent considerable time examining the potential of an ''implied'' government guarantee of Fannie Mae and Freddie Mac. I am concerned, because H.R. 3206, as introduced, would expand the express government backing of Ginnie Mae into the conventional home loan market. This could place American Taxpayers at a greater risk of assuming more default risk for home mortgages.

Our housing finance system is the model of the world. Combining the conventional mortgage market, the government market of FHA and VA, and the jumbo market, the national homeownership rate is close to 68%. The housing sector is the bulwark of the economy and I am very willing to consider good public policy to help more Americans achieve the dream of home ownership. I worry, however, that H.R. 3206 is an unnecessary expansion of a federal government guarantee that inappropriately puts American Taxpayers at risk.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. ROEMER. Mr. Speaker, today I rise in opposition to the VA–HUD bill. My frustrations concerning NASA's international space station and its ongoing budget woes have been echoed by the independent Management and Cost Evaluation Task Force. This panel recently reported to Congress that the space station is faced with crippling cost overruns.

Congress almost got it right in 1993 when the space station survived by just one single vote. We recognized then that NASA could not afford the station. In the years that followed, this behemoth has squeezed the budgets of the so-called ''smaller, faster, cheaper'' missions. Not since the Hubble Space Telescope repair and the Mars Pathfinder missions has the American public been rewarded by the fantastic discoveries offered by our space program.

Now the independent task force has told us that overall management of the whole program and its total costs has been inadequate. As a result of budget overruns and schedule delays, NASA must reorganize the entire space station program, redefine the scientific objectives and drastically cut spending to keep the current three-person crew financially feasible. The panel further reported that plans to complete the basic U.S. part of the station over the next 5 years with the $8.3 billion allotted to the program are not credible.

No one has a good estimate of how much the space station will cost. GAO estimated years ago that it would cost American taxpayers more than $100 billion to build and operate over its lifetime. Now it is clear that there will be no worthwhile scientific research to show for it. The station's eight original scientific research objectives are gone along with the crew return vehicle, which might have allowed an adequate number of crew members to conduct research.

Regardless, the station is now limited to a crew of only three—the number of astronauts that can fit inside a Russian Soyuz re-entry vehicle. That is why Europe, Japan, Canada and other international partners will not be able to conduct research. Instead, they will spend their time simply preserving and keeping in orbit a behemoth that can't afford the manpower to yield any new meaningful science.

I am also concerned that this bill comes up short on critically important housing programs that serve this country's most vulnerable citizens and families. Many accounts within the Department of Housing and Urban Development are simply zeroed out under this legislation. For example, the Public Housing Drug Elimination Grant program has been eliminated. Funding for empowerment zones is cut by 78 percent, public housing modernization by 5 percent, and community development block grants by 2 percent.

Mr. Speaker, additional cuts to distressed public housing revitalization and fair housing and equal opportunity activities will not help alleviate the shortage of adequate housing in America's inner cities and rural areas. I cannot support efforts to cut off poor and rural families from finding decent housing in these areas.

CONGRATULATING WILLIAM MCFARLANE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor William (Bill) McFarlane for receiving the 2000 Agriculturist of the Year Award. The award is given by the Greater Fresno Area Chamber of Commerce to an individual who exemplifies leadership and integrity in California's Central Valley agricultural business community.

Bill McFarlane is a native of Fresno. He grew up on a small farm near Clovis. In 1948, McFarlane and his father formed a farming partnership and expanded their farming operations. His family currently continues to operate the farm, which has about 1,000 acres of almonds, oranges, and wheat. McFarlane and McFarlane also own a farm in Butte County on which rice is the principal crop. Their family farming operations was active for 25 years in western Fresno County, producing almonds, tomatoes, cotton, garlic, melons, and lettuce.

Bill is currently a member of the Advisory Committee for the Clovis Unified School District's Reagan Educational Center Agriculture Department. He also serves on the Friends of Agriculture Extension for the University of California Cooperative Extension. He is a past chairman of Blue Diamond Growers and a previous president of the Central California Almond Growers Association.

McFarlane is a past recipient of the Special Recognition Award from the Fresno County Farm Bureau and the Co-op Farmer of the Year from the Agricultural Council of California.

Mr. Speaker, I rise to congratulate William McFarlane on his 2000 Agriculturist of the Year Award. I ask my colleagues to join me in congratulating Mr. McFarlane and wishing him many more years of continued success.

COMMENDING VETERANS OF SUSSEX COUNTY, NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today in recognition of the outstanding veterans we are so fortunate to have in our community in Sussex County, New Jersey. On Saturday, November 10, 2001, a County Salute to all Military Veterans from Sussex County will be held at the Sussex County Fairgrounds. On this day, we will honor the veterans of Sussex County and celebrate the spirit of those who have fought so bravely to preserve our tradition of democracy.

As Veterans' Day approaches, the eyes of the nation turn to the service and sacrifice of those who serve. As a nation, we owe these men and women our gratitude. I believe that the government has made solemn promises to its citizens who served in the armed forces that must be kept! I believe that Congress must make sure that this promise is not broken. By ensuring that we maintain a system of reliable, effective and compassionate benefits, this nation both keeps its promise and honors veterans.

In my 22 years in the House of Representatives, I have kept in close contact with our veterans of New Jersey. And I have learned that none of the legislation we pass in Congress can provide real assistance to veterans if our veterans do not know these benefits exist.

That is precisely why I have cosponsored the Veterans Right to Know Act. This bill requires the Veterans Administration (VA) to inform veterans about eligibility for benefits and health care services whenever a veterans first applies for any benefits. In my conversations with veterans and veterans' leaders, this legislation is a top priority.

In addition to this bill, the Congress has taken important steps in keeping our promise to veterans. This June, the President signed into law our Veterans' Survivor Benefits Improvement Act. I co-sponsored this bill which created new life insurance and health care benefits for up to 2 million eligible spouses and children of veterans.

I strongly supported the 21st Century Montgomery GI Bill Enhancement Act which we passed in the House. This bill increases the Montgomery GI Bill education benefit by 70 percent over the next 3 years and raises the value of VA education benefits from $23,400 annually to $39,600.

I have co-sponsored the Veterans Hospital Emergency Repair Act which authorizes $550 million over two years for much over-due-repair of dilapidated and obsolete Veterans medical facilities. This bill was also strongly supported in the House.

And just this week, on Thursday, November 8, 2001, the House and Senate both approved of the final appropriations for veterans for the Fiscal Year 2002. This budget increases the total spending for VA programs by $4.3 billion, including a $1.2 billion increase in VA health care. There will also be a 16 percent boost in funding for the Veterans Benefits Administration (VBA) to remedy the backlog of compensation claims as well as an additional $300 million for the Veterans Hospital Emergency Repair Act. I am proud that Congress could pass this legislation before we return to our districts to honor our veterans.

There can be no compromise when it comes to our veterans. Defending the Constitution of the United States is the greatest duty the nation can ask of its citizens. These men and women answered the call to duty and performed it to the highest standard. I will do everything in my power to ensure that the promises made to our veterans are kept.

Today we must prove to the world our commitment to preserving peace and democracy. We are showing the world the pride we have in our country and the values that we hold dear. It is because of our veterans that we have this tradition of freedom. They defended the idea so many years ago. They fought and sacrificed to ensure our peace. They are the inspiration which keeps the dream of democracy alive for us and everyone around the world. And this weekend in Sussex County, we bring this point home as we honor the heroes in our midst. Let us renew the dreams and the spirit of brotherhood that brought this nation through more than two centuries of struggle and kept it vibrant and free.

Finally let me state as clearly as I can: I am committed to ensuring that Congress will take all appropriate actions to ensure that our veterans are properly supported. They were there when the nation called; now we must be there when they need our help.

Mr. Speaker, I ask my colleagues to join me in honoring the Veterans of Sussex County, New Jersey, that will be recognized this weekend at the County Salute to all Military Veterans from Sussex County. And I urge my colleagues to join me in keeping our promise to our nation's heroes—our veterans.

RECOGNIZING MR. ROMANO PRODI, PRESIDENT OF THE EUROPEAN UNION, AND HIS REMARKS TO THE CYPRUS HOUSE OF REPRESENTATIVES

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. PALLONE. Mr. Speaker, on October 25, Romano Prodi, President of the European Commission, spoke before the plenary of the Cyprus House of Representatives while on a two-day official visit to Cyprus.

During his speech, Mr. Prodi stated that Cyprus will join the EU and will be among the first candidate countries to do so. As a strong advocate of Cyprus' accession to the European Union, I believe that Cyprus' accession would be good for the stability of the region, as well as for the prospects for serious and good faith negotiations between the parties in Cyprus.

To that end, I am honored to submit for the CONGRESSIONAL RECORD the introduction and text of Mr. Prodi's historic speech to the Cyprian House of Representatives.

INTRODUCTORY STATEMENT OF THE PRESIDENT OF THE HOUSE OF REPRESENTATIVES, MR. DEMETRIS CHRISTOFIAS

It is with particular pleasure and great excitement that I have the privilege to welcome to the House of Representatives of the Republic of Cyprus the President of the European Commission Mr. Romano Prodi.

Mr. Romano Prodi is a distinguished personality of international calibre who has associated his name with the steady furtherance of the cause of European integration. At the helm of the European Commission since 1999 the systematic and principled culture on his part of the European voice effuses common values, beliefs and civilization originating from our common European heritage.

Your visit to Cyprus, Mr. President, is taking place at difficult times which humanity is experiencing in a tragic way today. It is comforting to note that with your firm positions you have struck the right note and given the right way of addressing terrorism by making clear that the reaction of the international community, with which the Cyprus Republic has aligned itself against terrorism, is not a war against cultures or a conflict of religions. It is imperative that the European Union oppose a united world of peace, democracy, equality, prosperity and international understanding and solidarity with Man in its epicentre against every sort of terrorists.

The Cyprus Republic believing unwaveringly in the future of Europe continues its efforts firmly and decisively for the harmonization of its national legislation with the acquis communautaire. The Cyprus Parliament plays its own part and faces with responsibility as a first priority the harmonization process. Our progress in our accession negotiations is due to a great extent to the common effort of all the political powers in Cyprus but also to the general support offered by public opinion. These efforts made by Cyprus but also the proven dedication to democratic institutions and European ideals and principles are acknowledged and clearly recorded in the latest progress report by the European Commission on Cyprus.

As regards the process for the solution of the Cyprus problem, I would like to emphatically stress that the President of the Republic participates with the support of the National Council in the effort under the auspices of the UN Secretary-General with all goodwill for the solution of the problem on the basis of United Nations Resolutions and the High Level Agreements. I would like to underline that our expectation is that a united Cyprus join the European Union. I would like at the same time, however, to point out that our will must not be misinterpreted. It is not possible for Cyprus to accept the absurd demands made by Turkey and the Turkish occupation leader Mr. Denktash which are followed by threats. Especially his unrealistic claim for a direct or an indirect recognition of the occupation regime as a state entity just to reach a settlement to the Cyprus problem.

I would like to avail myself of the opportunity of your presence here, Mr. President, to express the warmest thanks on behalf of the Cyprus people for the firm promotion by the European Commission of the provision of the Helsinki Summit decision which envisages that the solution of the Cyprus problem is not a prerequisite for the accession of Cyprus to the European Union as well as for the conviction that Cyprus will become a member of the European Union during the first wave of enlargement.

With these few thoughts, Mr. President of the European Commission, I welcome you once again to the Cyprus Parliament.

SPEECH BY MR. ROMANO PRODI, PRESIDENT OF THE EUROPEAN COMMISSION

In these changing and difficult times, I was particularly moved at being invited to speak today to the elected representatives of the people of Cyprus. For democracy is at the heart of our system of government in Europe.

Democracy is the guarantee not only of human rights and fundamental freedoms but also of security, stability and well being. Especially at the present time, when the international community faces so many challenges.

The European Union is a community of law and, you, the legislators of Cyprus, are working every day to ensure that your country becomes part of this community and strengthens it.

This is all the more important in the light of the appalling attacks on the United States on 11 September.

The European Union has expressed its solidarity with the innocent victims and is contributing vigorously to the fight against terrorism.

Cyprus, like the other candidates for EU membership, immediately expressed its abhorrence for those attacks and aligned itself with the EU position on terrorism and the operations to eliminate it.

But deeds are even more important than words. Cyprus has taken practical measures to combat illegal arms sales and transhipments and to freeze funds that might be used to sponsor terrorism. These, and the other steps taken by Cyprus since 11 September, are deeply appreciated in the European Union. Recent events vividly bring to mind the raison d'être of the enlargement

process, and indeed, of the European Union itself.

The European Union exists to put an end to the conflicts of the past and to bring peace, justice and well being to our peoples.

It has achieved this to a remarkable extent over almost half a century. Today, peace, justice and well being are steadily being spread throughout Europe as preparations for enlargement go ahead.

This enlargement will benefit not only the old and new member states but also neighboring countries, with which we have close ties. No new dividing lines will be drawn across our continent. Indeed, each new candidate will bring to the EU its own political, economic, cultural, historical and geographical heritage, thus enriching Europe as a whole.

Cyprus's own heritage includes a tradition of good public administration, a vibrant economy, the talent and creativity of its people and the close links they have established in the Mediterranean region and beyond.

The flow of benefits is, of course, reciprocal. The European Union will bring to Cyprus a model of peace and reconciliation, the freedom of the single market and a set of institutions and policies that meet the needs of all member states.

However, those institutions and policies need redesigning to enable them to meet the challenges of the twenty-first century. Next year, Cyprus—together with the other candidate countries and the existing Member States—will be taking part in a structured debate on our future policies and how best to run the Union. ''Who should do what'' is one of the key questions.

The debate will lead to a new Inter-Governmental Conference in 2004, and Cyprus will already be invited to join in preparations for that IGC.

Another key issue in the great debate is how to involve Europe's citizens more closely in designing and implementing European policies. After all, the European Union exists for its citizens and must be built by them.

In particular, we need their support for enlargement. People naturally fear the unknown, and political leaders (both in existing member states and in the candidate countries) should take time to explain to the general public why enlargement is in everyone's interest.

It will boost not only economic prosperity but also political security and stability in Europe. We must spell this out to our citizens, who may be perplexed by the technical nature of the accession negotiations.

Cyprus is advancing well in these negotiations. This is above all a reflection of your own efforts as legislators in putting into place a system of laws containing the same principles and provisions as European Union law.

Parliament is working expeditiously and your fast-track procedure for transposing EU laws and rules, the ''acquis'', is a model of its kind, on which I congratulate you.

It is thanks to your efforts, and to the efforts of your government and negotiators, that Cyprus is amongst the frontrunners in the accession process.

Your country's preparations for membership must continue to be pursued vigorously. A number of politically or technically difficult issues such as taxation, competition, agriculture, justice and home affairs still have to be resolved. Further legislative work must also be done in some fields on which negotiations have been provisionally concluded, such as telecommunications and the free movement of goods.

We are aware that you are planning a major tax reform, partly aimed at adapting your tax regime to the EU system. We will follow with interest the progress of the reform legislation through this House.

Of course, passing the necessary laws is not the end of the story: those laws also have to be implemented effectively in each candidate country. Monitoring the candidates' progress in this respect is, of course, the Commission's job. But, as you know, the existing Member States are also closely following this progress, particularly in sensitive areas such as the environment, maritime transport, competition and the prevention of money laundering.

I am personally very pleased to see the high degree of consensus Cyprus has achieved on the transposition of EU law. It is a sign of your country's healthy democracy that there is genuine diversity of political views and genuine competition between political parties, yet there is also underlying agreement on fundamental principles. This unity in diversity is the very essence of politics and society in Europe today.

Diversity is of course one of main characteristics of Cyprus. It is a source of richness and of pride but it has also, over the years, been a source of recurrent conflict. The European Union lends its full support to efforts to resolve the Cyprus problem and salutes in particular the continuing work of Kofi Annan, the United Nations Secretary General, and his special representative, Alvaro de Soto. The European Union would be delighted if their efforts were to bear fruit before enlargement, though—as you know—this is not a pre-condition for Cyprus's accession.

How inspiring it would be for Europe, and for the world at large, if Cyprus were to heal its wounds and if Greek and Turkish Cypriots were to enter the European Union together on the basis of a settlement which took into account the interests and concerns of all parties!

The United Nations, and others working towards a settlement, are well aware of those concerns. In the months since the proximity talks were, alas, suspended, they have been working hard in the common interest of all citizens of Cyprus. We were disappointed that the Turkish Cypriot leadership did not accept the UN Secretary-General's invitation to resume talks in September. Despite these disappointments, however, the UN is persevering in its efforts and the European Union gives them our full backing.

I very much welcome the recent improvement in relations between Greece and Turkey and hope that this will facilitate the search for a settlement of the Cyprus question. I am profoundly convinced that a settlement is within reach.

Let me stress that the European Union, with its acquis, will never be an obstacle to finding a solution to the Cyprus problem. The European Union never seeks to determine the constitutional arrangements or the security arrangements of its member states. Such matters are up to them.

I am confident that the European Union can accommodate whatever arrangements the parties themselves agree to in the context of a political settlement. As an EU Member State Cyprus will of course have to participate in the Council of Ministers ''with one voice''.

The European Commission is seeking to broaden understanding of the acquis, and related issues, throughout Cyprus. Given a political settlement, EU membership will bring benefits to all Cypriots and in particular will enable those in the northern part of the island to catch up rapidly in terms of economic performance and living standards.

Following a settlement, both Greek and Turkish Cypriots will participate in the work of EU institutions, helping run the Union and shape its future.

Meanwhile, projects involving both communities on the island can address specific problems, dispel misconceptions and improve understanding.

Projects of this sort deserve the active support of all political leaders. They also demonstrate in practical terms the commitment of the people of this island to overcoming the problems of the past and reaching a settlement.

There is a window of opportunity now for Greek and Turkish Cypriots to reach an agreement before Cyprus's accession. Every effort should be made to take full advantage of this opportunity. History would not look kindly on those who knowingly let this opportunity slip.

A political settlement before Cyprus's accession is our strong preference. But let me make one thing clear. Cyprus will join the European Union, and it will be among the first candidate countries to do so.

The timetable is set out. We are aiming to complete negotiations with all countries that are sufficiently prepared by the end of next year, with a view to accession in 2004. We hope that Cypriot citizens will participate in the European elections in 2004. There can be no question of delaying an historic process in which the security, stability and well being of Europe as a whole is involved.

During my visit to Cyprus, I shall be meeting citizens from various walks of life, including both Greek and Turkish Cypriot trade unionists. I detect a yearning on the part of all Cypriots to be part of the European project.

As President of the European Commission I say to all the people of Cyprus ''Welcome! The European Union will only be complete when you, and the other European peoples who aspire to membership, are ready to join us''.

Thank you.

DOMESTIC VIOLENCE SERVICE CENTER 25TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call to the attention of the House of Representatives an important anniversary which will be commemorated in my district on Nov. 13. The Domestic Violence Service Center (DVSC) will observe the 25th anniversary of its founding. I am pleased to have the opportunity to commend the center for its tireless dedication to helping women and children in crisis.

Originally called Womencenter when it was first conceived in October 1976, the DVSC began as an assessment agency to focus on the needs of area women. The pleas for help from battered women in the first six months were overwhelming. Because of this, the Womencenter refocused its purpose to address the issue of domestic violence and how it affects women and children in the Wyoming

Valley. A task force was formed to study the issue. The result of that meeting was the founding of the Pennsylvania Coalition Against Domestic Violence (PCADV). The first coalition of its kind in the United States, the PCADV is still a leader in victims' rights issues in the State and the Nation.

In 1977, the Womencenter received a grant to develop a full-time domestic violence program. Services expanded and a liaison with Legal Services of Northeastern Pennsylvania was established.

A speakers' bureau was begun to promote community awareness. In 1978, the task force established the first shelter for battered women in Northeastern Pennsylvania. Within one week, the unadvertised shelter was completely filled to capacity. That June, the Womencenter incorporated as the Domestic Violence Service Center. A board was formed and the first officers were elected.

The number of clients served by the DVSC has grown from approximately 700 in the 1985–86 fiscal year to more than 2,400 per year at present. The Domestic Violence Service Center has served the area as a shelter, an advocacy agency, an outreach center, and a counseling center.

The DVSC has been on the forefront of public education of domestic violence and involved with other social service agencies and the District Attorney's office in creating a county-wide protocol for the handling of domestic violence cases. The center has coordinated with local police forces to create a common protocol in handling the actual distress calls and has coordinated with local health care providers to develop a family violence medical protocol that has been adopted by all hospitals in the county as well as by numerous home health care professionals and physicians' offices. Most recently, in July 2001, the center received funding to support its partnership with Northeast Counseling Services to implement a Mental Health Advocacy Project, a first of its kind in the state. The project will cross-train mental health and domestic violence staff and provide informed services to clients of both agencies.

Led by President Mary Ellen Roberts and Executive Director Ellen Moyle Harris, the DVSC serves as an example to the entire State of Pennsylvania. The center also plays a leadership role statewide through representation on PCADV committees including ones that handle legal advocacy, contracts, legislative and planning matters. In addition, Pat Kwetkauskie, a DVSC representative, chairs the Pennsylvania Medical Advocacy Task Force and has also chaired a committee of the former Attorney General's Domestic Violence Task Force. DVSC staff and training team volunteers have also presented workshops and lectures at state, regional and national conferences. At a statewide PCADV conference in 1991, 12 members of the DVSC board, staff and advisory committee were honored with Leadership in Action awards.

The DVSCs Court Advocacy, Medical Advocacy, STOP Violence Against Women Projects continue to be integral parts of DVSC services, and the center continues to provide technical assistance to agencies in other counties that are interested in duplicating DVSC programs.

Most importantly, the Domestic Violence Service Center has provided shelter for thousands of battered women who flee their homes, often in the middle of the night, afraid for their lives and the lives of their children.

Mr. Speaker, the impact of domestic violence affects the entire community. Each year, the center conducts a solemn and poignant candlelight vigil at the Luzerne County Courthouse to commemorate Domestic Violence Month. I have had the honor of participating in this event. I am proud to commend the hardworking staff, board of directors, and volunteers on their dedicated effort to help those who would otherwise be trapped indefinitely in a crisis situation. Through their work and dedication, they offer a place for women and children to turn to break the cycle of violence. Although this anniversary is not a celebration, it is a call to each of us to help stop this devastation of the American family. Mr. Speaker, I hope this anniversary will expand public awareness of the important work that the DVSC does.

SUPPORT FOR H.R. 3253, DEPARTMENT OF VETERANS AFFAIRS MEDICAL EMERGENCY PREPAREDNESS CENTERS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. EVANS. Mr. Speaker, as an original cosponsor of H.R. 3253, the National Medical Emergency Preparedness Act of 2001, I strongly support this important legislation which will improve our national ability to respond to acts of terrorism and other medical emergencies. I look forward to quick action on this legislation and commend my friend and colleague, Chris Smith, for authoring this measure.

The National Medical Emergency Preparedness Act of 2001 would create National Medical Preparedness Centers within the Department of Veterans Affairs. These centers would have several important missions. In addition to training medical personnel to recognize the symptoms of exposure to chemical, biological and radiological weapons, the National Medical Preparedness Centers will provide important national leadership in the development of new diagnostic tests, vaccines, and treatments for chemical, biological and radiological terrorist threats.

Last month, on October 15, the Committee on Veterans Affairs received testimony on VA contingency missions to the Department of Defense in times of war or national emergency and as a participant in the Federal Response Plan during disasters. Federal agencies described a critical role for the Department and expounded upon additional roles, given the resources, the Department could play.

In response to that hearing, H.R. 3253 was introduced. The National Medical Emergency Preparedness Centers established by this legislation will provide important contributions to innovation and leadership in the detection of biological, chemical, and radiological hazards, the development of vaccines to prevent devastating consequences we have seen from exposures to toxins such as anthrax and effective treatment for exposures to pathogenic materials.

VA has many successful models of Centers that combine research, education and training, and patient treatment. Among such ''centers of excellence'' are its Geriatric Research Education and Clinical Centers, its Mental Illness Research Education and Clinical Centers, its Parkinson's Disease Research Education and Clinical Centers and other centers selected on a competitive basis in order to create living laboratories for applying state-of-the-art care to patients that need it. The synergies of these centers' missions combine to produce innovative research and technologies to their respective fields.

VA has much to offer the Nation in establishing Centers that can build upon its existing expertise, but break new ground in further exploring areas that directly affect the lives of all Americans. I believe the benefits to our public health would far outweigh the $20 million annual cost to fund these Centers. As we continue our quest to protect our homeland, we must find leaders within the community to assist our efforts to protect Americans. VA can and should be part of this leadership team.

RECOGNIZING EL PASO COMMUNITY COLLEGE PRESIDENT, DR. RAMON DOMINGUEZ

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. REYES. Mr. Speaker, I rise today to recognize an individual who has done an exceptional job at the El Paso Community College (EPCC). Dr. Ramon Dominguez is retiring from EPCC after 28 years of public service to this institution, the 4th largest community college in the state of Texas. Dr. Dominguez has done an outstanding job in overseeing the day-to-day operations of the college's five branches and an operating budget of about $77 million. He has provided leadership and direction to the 2,800 employees and about 24,000 students, 82 percent of whom are Hispanic.

Dr. Dominguez is easy going and has a soothing nature about him. He received overwhelming support from the faculty, staff, and students when he became the President of the Community College in May of 2000. Shortly after being sworn in as President, Dr. Dominguez began reorganizing EPCC's top administration. He demonstrated his beliefs in being highly inclusive and sharing the governing of EPCC. He also showed that he is approachable, fair, willing to listen, hardworking and committed to the students and the college.

Dr. Dominguez graduated from the University of Texas at El Paso (UTEP) in 1971 with a secondary education degree. As soon as he completed college, Dr. Dominguez began his focus on serving people. He has always held the goals of teaching, counseling, and mentoring as his top priorities and has contributed greatly to the success of others, especially the students.

Dr. Dominguez began at EPCC as an instructor for the Veterans Upward Bound Program where he used teaching and counseling skills to work with veterans that were returning from the military, specifically Vietnam. He then spent 15 years as a counselor. In fact, Dr. Dominguez was so committed to serving his students better as a guidance counselor that he returned to school and received his masters in counsel and guidance from UTEP. He went on to earn an Educational Specialist in Administration Degree at New Mexico State University (NMSU) and finally a PhD in Administration with a minor in counseling and guidance. Before becoming the President of EPCC, Dr. Dominguez served the Community College as an assistant vice president of Student Services, executive vice president, and as the interim president twice.

Mr. Speaker, this institution played an important role in my life and it continues to play an important role in the lives of the residents of our city. I am proud of the fact that in 1977, I received an Associates Degree from the El Paso Community College. The El Paso Community College continues to provide educational opportunities and support services that prepare individuals to improve their quality of life. I applaud the role that this institution has played in El Paso and the leadership, dedication, and service that Dr. Dominguez has provided to this school and its students.

At the dawn of this new century, I see community colleges such as the El Paso Community College as playing a critical role. I believe that community colleges must expand and become more accessible to all people who desire personal enrichment, growth, and development. Over the years, community colleges have assisted many people who would otherwise not have access to higher education by providing them with quality, affordable education. It is critically important to give our students every opportunity to compete in this new global economy. I applaud the efforts and the work that Dr. Dominguez has contributed to further these goals and the role that El Paso Community College continues to play in the fabric of El Paso.

Dr. Dominguez has guided the El Paso Community College well. I know that this institution will continue to flourish and educate future generations of El Pasoans. Dr. Dominguez is a pillar of integrity in the El Paso community and I want to thank him on behalf of El Paso and wish him well in all his future endeavors.

INTERNET GAMBLING BILL

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. ROEMER. Mr. Speaker, I rise today in strong support of the Internet Gambling Bill introduced on November 1, 2001. This important legislation, authored by Representive GOODLATTE, provides a much-needed update to existing law, which is no longer adequate to prohibit gambling on the Internet.

Minors can easily use the Internet to access illegal content, including Internet gambling websites. This is a dangerous loophole to existing law. Gambling is a potentially addictive habit which should be restricted to adults.

As technology continues to change the way we communicate and learn we must ensure that our laws change and adapt concurrently. Regulations previously used to prevent gambling over telephone lines are no longer sufficient to address gambling over the Internet, which increasingly relies on wireless communications. The Internet Gambling Bill modernizes existing law by bringing the current prohibition against interstate gambling up to speed with the development of new technology.

This important legislation also defines gambling more specifically to include interactive games on the Internet, including poker and blackjack which are not clearly included in current law. Violations under the act are punishable by prison terms of up to five years.

Gambling on the Internet has become increasingly prevalent in recent years. More than 650 Internet gambling websites operated just last year. In 1999, the total revenue associated with Internet gambling exceeded $1.2 billion, an 80 percent increase from the previous year.

It is time to stop illegal gambling on the Internet. This legislation is an important first step.

DEDICATION OF THE PURPLE HEART MONUMENT IN PARAMUS, NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to commend the Military Order of the Purple Heart Chapter 522 of Paramus, New Jersey, as they dedicate a Purple Heart Monument today in Paramus. In this time of remembrance for those killed on September 11th, it is important to remember all who have put their lives on the line for our nation. Our nation's veterans offer us wisdom and guidance in these troubled times. I thank Chapter 522 for honoring our veterans as we support and defend our country in this new war.

Decades ago, President Ronald Reagan addressed the Memorial Day ceremonies at Arlington National Cemetery. His words were profound: "No one wants peace more than the soldier, for the soldier understands better than anyone, the pain and destruction of war." Implicit in his message is that preserving the peace is an everyday job. It's a job that requires hard work. It's a job that requires firm resolution. It's a job that absolutely requires sacrifice.

I stand here today and honor the Military Order of the Purple Heart with great pride. These are the Americans who have done the hard work. Who have displayed the firm resolution. Who have sacrificed. These are our nation's heroes.

As we commemorate those who have fought for our country with this Purple Heart Monument, the eyes of the nation turn to the service and sacrifice of our veterans. Our nation thanks you.

Mr. Speaker, I urge my colleagues to join me in honoring Chapter 522 of the Military Order of the Purple Heart, and all who have served and those who have died for our country. May God bless them and God bless America.

67TH ANNIVERSARY OF UKRAINE FAMINE AND 25TH ANNIVERSARY OF UKRAINIAN HELSINKI GROUP

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. SMITH of New Jersey. Mr. Speaker, I rise to commemorate the memory of innocent victims of an abominable act perpetrated against the people of Ukraine in 1932–33. Seven million innocent men, women and children were murdered so that one man, Soviet dictator Joseph Stalin, could consolidate control over Ukraine. The Ukrainian people resisted the Soviet policy of forced collectivization. The innocent died a horrific death at the hands of a tyrannical dictatorship which had crushed their freedom.

In an attempt to break the spirit of an independent-minded and nationally-conscious Ukrainian peasantry, and ultimately to secure collectivization, Stalin ordered the expropriation of all foodstuffs in the hands of the rural population. The grain was shipped to other areas of the Soviet Union or sold on the international market. Peasants who refused to turn over grain to the state were deported or executed. Without food or grain, mass starvation ensued. This manmade famine was the consequence of deliberate policies which aimed to destroy the political, cultural and human rights of the Ukrainian people. In short, food was used as a weapon in what can only be described as an organized act of terrorism designed to suppress a people's love of their land and the basic liberty to live as they choose.

This month also marks an important milestone in more recent Ukrainian history. Twenty-five years ago, on November 9, 1976, 10 courageous men and women formed the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords. The work of the Ukrainian Helsinki Group focused on monitoring human rights violations and on the Ukrainian national question as an integral component of human rights issues. The Ukrainian Helsinki Group eventually became the largest of its kind among similar groups in the Soviet Union, but also the most repressed by the Soviet regime. Of the 37 Ukrainians who eventually joined the Group, virtually all were subjected to lengthy terms in labor camps and internal exile. Three—Oleksiy Tykhy, Yuri Lytvyn and Vasyl Stus—died in the mid-1980s while serving camp terms under extremely harsh conditions. Their courageous, active commitment to human rights and freedom for the people of Ukraine laid the foundation for the historic achievement of Ukrainian independence in 1991.

As we honor the memory of the millions of innocent victims of the Ukrainian Famine, let us also not forget to honor the work and, in

some instances, the martyrdom, of the valiant members of the Ukrainian Helsinki Group.

While similar atrocities are highly unlikely, Ukraine has yet to realize its full democratic potential. Despite the real progress made in the decade since independence, the unsolved murders of Georgiy Gongadze and other journalists and political figures, the assaults on media freedoms, the pervasive corruption, and the lack of respect for the rule of law demonstrate a democratic deficit that must be overcome. An independent, sovereign, democratic Ukraine—in which respect for the dignity of human beings is the cornerstone—is the best guarantee that the horrors of the last century become truly inconceivable.

PAYING TRIBUTE TO TECHNICAL SERGEANT RONALD A. GISEL

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Technical Sergeant Ronald Gisel as one of this year's U.S. Air Force's 12 Outstanding Airmen of the Year.

Mr. Speaker, this is a huge accomplishment, and one that clearly shows this man's commitment to serving the United States of America. As the noncommissioned officer in charge of 31 ceremonial guardsmen who performed more than 700 Air Force and Joint Service ceremonies, Sergeant Gisel proves himself to be a professional of the highest caliber. His superior job performance is noticeable to all he comes in contact with. He is certainly worthy of recognition!

A man of firm beliefs and unselfish commitment to helping others, Sergeant Gisel is a fine role model for the young adults in high school and to the two-home schooled junior high school students in which he mentors. His values and beliefs are reflected in his dedication to his work and his relationships with his family, friends, and people in the community.

Indeed, Sergeant Gisel is an excellent example to all. Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Technical Sergeant Ronald A. Gisel for being recognized as one of the U.S. Air Force's 12 Outstanding Airmen of the Year.

HONORING CAROLE BLACK, PRESIDENT & CEO, LIFETIME ENTERTAINMENT SERVICES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Ms. SOLIS. Mr. Speaker, today's woman has many role models that have paved the path to our success. Elizabeth Cady Stanton, Susan B. Anthony and Eleanor Roosevelt created a momentum for the women's movement that still gains speed today as modern women climb new mountains.

One of these modern women is Carole Black, President & CEO of Lifetime Entertainment Services. Ms. Black has demonstrated her commitment to supporting other women by making sure that women are informed.

Black's ideas and influence reach more than 83 million homes in our great country and have propelled Lifetime's ratings to set new records. Lifetime's recent successes are rooted in Blacks' commitment to entertain, inform and support women by dramatically increasing the Network's original programming slate and expanding its marketing and public affairs efforts.

Carole Black also has greatly expanded Lifetime's advocacy initiatives, using the media to make a positive difference in the lives of women. Issues that have been recognized include the following: the fight against breast cancer; women in the arts; the importance of early childhood education and access to affordable, quality child care; and the fight to instill self-esteem in thousands of women. Carole Black is working with Lifetime Entertainment to recognize the issues that directly affect our lives—and our families.

Black's leadership and vision have led to her recognition as one of ''America's 100 Most Important Women'' by Ladies' Home Journal Magazine and one of ''New York's 100 Most Influential Women in Business'' by Crain's New York Business Magazine. The Hollywood Reporter has named her repeatedly as one of the ''Top Women in Entertainment.'' Most recently, Ms. Black was honored at the Women in Cable & Telecommunications Gala for her incredible contributions.

Most recently, Black was named one of Fortune Magazine's Top 50 Women in Business. In June 2000, Black was honored to participate with national and world leaders, such as United Nations Secretary General Kofi Annan, Her Majesty Queen Noor of Jordan, and Secretary of Health and Human Services Donna Shalala, in Beijing Plus 5: Women 2000, the historic international conference to promote women's rights. In November 2000, Black served as one of 15 United States delegates to ''The 2nd Organization for Economic Co-Operation and Development (OECD) Conference on Women Entrepreneurs'' in Paris, France.

As a television industry leader, Black champions diversity not only through Lifetime's on-air programming and countless public affairs initiatives but also through involvement with several industry organizations for which she serves on the Board of Directors, including The Walter Kaitz Foundation, Cable Positive and the T. Howard Foundation. For her dedication to this important issue, Black earned the YWCA Racial Justice Award in April 2000, the National Hispanic Media Coalition Impact Award in February 2001 and the Imagen Foundation Inspiration Award in June 2001.

Carole Black also is dedicated to using her knowledge to educate the future leaders of America. Black serves on the Harvard University John F. Kennedy School of Government Women's Leadership Board and is a Trustee of the American Women in Radio & Television, New York Women in Communications, New York Women in Film, Women in Cable & Telecommunications and the Women's Sports Foundation.

Carole Black is a great role model for our young women to follow. She is an inspiration and an educator, a tough executive and a visionary. But most importantly, she is a woman and a friend to each person who is touched by her work. As a role model to many, Ms. Black keeps the momentum of the women's movement rolling and would have made our foremothers proud.

I ask my colleagues to join me in commending this dedicated public servant.

WMUL–FM FORTIETH ANNIVERSARY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RAHALL. Mr. Speaker, in 1895, Guglielmo Marconi transmitted electrical signals through the air. This first radio broadcast went from one end of Marconi's house to the other. The second stretched from his laboratory out to his garden. Six years later he sent a signal from England to America.

Like the acclaimed Italian inventor, WMUL–FM radio started out small: a ten-watt transmitter in a science building basement. Yet, in the spirit of Marconi himself, the Marshall University broadcasters were blazing new trails and determined to expand the range, quality, and influence of their signal. It was 1961.

Now, in their fortieth year, WMUL–FM has a $100,000 a year budget, broadcasts an 1,150 watt signal, and transmits from state-of-the-art digital studios. The Marshall students who staff it, and the professors who teach them, are nationally-recognized radio professionals. Since 1985, they have won 435 awards. WMUL–FM alumni have worked at all levels in local, regional, and national electronic media, distinguishing themselves regularly regardless of the competition.

I congratulate Marshall University and WMUL–FM radio for four decades' service to the Marshall and Huntington communities. Their commitment is impressive and their accomplishments inspiring. Marconi would approve of the electronic signals that WMUL–FM sends through the air.

TRIBUTE TO LARISA JAFFE, PEACE CORPS VOLUNTEER

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. CAPUANO. Mr. Speaker, I rise to commemorate the life and service of Larisa Jaffe, a Peace Corps volunteer, who lost her life in Zimbabwe in October of this year. Dr. Jaffe was a naturalized American citizen. She came to the United States from the former Soviet Union where she had earned a doctorate in geology. A woman of great intellectual energy, she taught at the Monterey Institute of International Studies in California and at West High School in Salt Lake City, Utah. She became certified as an emergency medical technician and volunteered her services to Planned Parenthood and to hospices for the terminally ill.

At the age of sixty-two, she arrived in Zimbabwe as a Peace Corps volunteer. She served in the city of Mutare as the Information Officer for CADEC, the Catholic Development Commission. She developed HIV/AIDS awareness and education materials and assisted the staff with computers and information technology. She devoted much of her time to the more than 2000 children orphaned by AIDS in the Mutare region. Tragically, her work ended with her death, a suspected homicide. Police took into custody as suspects two citizens of Zimbabwe.

Dr. Jaffe's daughter, Julia Ravinsky, lives in Massachusetts where a memorial service was conducted on October 26. Ms. Ravinsky spoke of her mother's great love of adventure and her even greater love of humankind. She showed slides of her mother riding camels and elephants and mingling joyously with the peoples of three continents. I salute Julia's bravery as well as her mother's.

Two Peace Corps officials eulogized Larisa Jaffe. Acting Deputy Director Lloyd O. Pierson presented an American and a Peace Corps flag and a letter of condolence from President and Mrs. Bush. He spoke of the significance of the Peace Corps in these difficult times. I quote Mr. Pierson: ''Larisa's contributions to the Peace Corps and to our country will never be forgotten. The tragic events of September 11 have shown more than ever the need for more individuals, like Larisa, committed and courageous, who are willing to answer the call to service and respond to the challenge of the Peace Corps mission.'' I thank Mr. Pierson for traveling to Massachusetts to acknowledge Dr. Jaffe's contribution and to comfort her family and friends.

Lois Hobson, Country Director of the Peace Corps for Zimbabwe, accompanied Dr. Jaffe's remains on the sad journey home. I want to thank her personally for bringing Julia's mother home. Director Hobson spoke of her friendship with Larisa Jaffe, of Larisa's fearlessness, her openness, her refusal to find cultural differences obstacles to understanding and cooperation. I quote her remarks in part, ''Mutare's mountains impressed her deeply, often prompting her to tell others how comfortable she felt in Mutare, how much she loved the city and the people. When she was required to travel to Harare, she was always in a hurry to return to the beautiful city at the foot of the mountains. Industrious, creative, energetic, feisty, brave, courageous—this was Larisa. Stubborn, independent, mature, sometimes naive, determined, loving, kind. This too was Larisa. We all miss her.''

Mr. Pierson is right that we need to remember Larisa Jaffe. She came to the United States as a refugee. She embraced our principles and our customs. She believed that all persons are created free and equal. She believed in volunteering. Like many of those who perished on September 11, she knew our country, her adopted country, to be a land of hope and opportunity, Her example will continue to inspire us.

AIRLINE WORKER MORTGAGE RELIEF ACT OF 2001

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RUSH. Mr. Speaker, on September 13, 2001, in response to the September 11th tragedy, Secretary Mel Martinez of HUD directed all FHA-approved lenders to provide a 90-day mortgage forbearance for families with FHA insured mortgages who were affected by the recent terrorist attacks. ''Affected, borrowers are those individuals who were passengers or crew on the four hijacked airliners (American Airlines 11 and 77, United Airlines 93 and 175), individuals employed on September 11, 2001, in or near the World Trade Center, or in the Pentagon, and individuals whose financial viability was affected by the . . . events of [that] day.'' (HUD Mortgage Letter 01–21).

As evidenced by the $15 billion bail out that followed the events of September 11, the effects felt by the airline industry were amongst the most immediate and devastating experienced within the corporate world. It follows naturally, that the devastation experienced by the airlines will ultimately be felt by the 150,000+ employees whose financial viability has, or will soon be affected by the ongoing wave of post-September 11th lay offs. And while the language of HUD Letter 01–21 may be read to include airline industry workers, the ambiguity of that language leaves open the possibility of denial under the letter. This group is simply, which has been so obviously affected by the events of September 11th, cannot be forgotten.

The Airline Mortgage Relief Act of 2001 addresses the ambiguous language of HUD Letter 01–21 by explicitly applying the aforementioned moratorium to laid off employees of foreign and domestic air carriers and laid off employees of manufacturers aircraft used by foreign or domestic carriers. The bill also expands for all eligible borrowers, the 90-day forbearance to 180 days from enactment; and requires the Secretary of HUD to inform mortgagees of the moratorium.

In light of HUD Letter 01–21, as well as recent Congressional concerns over the health of the airline industry, the Airline Worker Mortgage Relief Act of 2001 would afford Congress the perfect opportunity to give as much attention to unemployed airline industry workers, as has been given to their former corporate employers.

INTRODUCTION OF THE MEDICARE CHOLESTEROL SCREENING COVERAGE ACT OF 2001

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. CAMP. Mr. Speaker, today, I introduce the Medicare Cholesterol Screening Coverage Act of 2001.

Most Americans know that too much cholesterol in their diet is harmful. Many Americans might not realize, however, that cholesterol levels are the number one indicators of their risk of heart disease. With one simple blood test every five years, doctors can quickly uncover and track a person's risk. This is why the federal government, doctors, health groups like the American Heart Association, and many other science based groups and studies agree—Americans should have their cholesterol checked by their doctor to prevent heart disease in their future.

It is interesting—two major federal guidelines on cholesterol screening were updated in May of this year by the National Heart Lung and Blood Institute (NHLBI) at the National Institutes of Health, and by the U.S. Preventative Services Task Force. Both agencies, recommendations agree, stating that every American over the age of twenty should have their cholesterol levels tested every five years.

But read further in the guidelines, and you find the really good news for seniors. While the former federal guidelines on cholesterol screening had suggested that those over 75 do not need to be tested, the most recent guidelines threw that upper age limit out the window. We now know that seniors with high cholesterol can be effectively treated for this disorder and consequently lower their risk of damaging heart disease. For many, treatment can be as simple as adjusting your diet and increasing levels of physical activity.

While Congress looks at ways to update the Medicare System, we must also take every opportunity to make the Medicare program better for seniors—and this is one such opportunity. My bill immediately benefits seniors in Medicare by providing a new benefit that will save lives and reduce disability from heart disease and stroke.

The Medicare Cholesterol Screening Coverage Act of 2001 will add coverage of preventive cholesterol screenings to all seniors in the Medicare Program. It seems counter intuitive that the two-thirds of the Medicare beneficiaries currently eligible for cholesterol screening are those who have already been struck with a cardiovascular illness or other lipid-related diseases. Congress needs to make the Medicare program a more forward thinking program, and this bill is a huge step in that direction. While we have taken steps like this in the past, we have done little to prevent the number one cause of death in the United States—heart disease.

The numbers are staggering regarding heart disease. Each year, more than a million Americans have heart attacks, and about a half a million people die from heart disease. In addition, coronary heart disease accounts for nearly half of the total mortality of Americans over 65.

Regretfully heart attack and stroke victims aren't always given a second chance to lower cholesterol levels. Thus the first step in saving lives must be to identify those in need of treatment. This can only be accomplished by regular cholesterol and blood lipid screening.

By passing this bill, Congress will be helping to provide Americans with the knowledge they need to live longer, healthier and happier lives. As Congress considers further improvements to the Medicare program, I urge my colleagues to support this important effort.

PRESIDENT BUSH'S PROFOUND REMARKS TO THE UNITED NATIONS GENERAL ASSEMBLY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. WOLF. Mr. Speaker, I want to share with our colleagues President Bush's remarks delivered to the United Nations General Assembly on Saturday, November 10.

The President boldly articulates the present crisis confronting civilization, underscoring the resolve and courage necessary for victory.

PRESIDENT BUSH SPEAKS TO UNITED NATIONS

REMARKS BY THE PRESIDENT, TO UNITED NATIONS GENERAL ASSEMBLY, U.N. HEADQUARTERS, NEW YORK, NEW YORK

THE PRESIDENT: Thank you. Mr. Secretary General, Mr. President, distinguished delegates, and ladies and gentlemen. We meet in a hall devoted to peace, in a city scarred by violence, in a nation awakened to danger, in a world uniting for a long struggle. Every civilized nation here today is resolved to keep the most basic commitment of civilization: We will defend ourselves and our future against terror and lawless violence.

The United Nations was founded in this cause. In a second world war, we learned there is no isolation from evil. We affirmed that some crimes are so terrible they offend humanity, itself. And we resolved that the aggressions and ambitions of the wicked must be opposed early, decisively, and collectively, before they threaten us all. That evil has returned, and that cause is renewed.

A few miles from here, many thousands still lie in a tomb of rubble. Tomorrow, the Secretary General, the President of the General Assembly, and I will visit that site, where the names of every nation and region that lost citizens will be read aloud. If we were to read the names of every person who died, it would take more than three hours.

Those names include a citizen of Gambia, whose wife spent their fourth wedding anniversary, September the 12th, searching in vain for her husband. Those names include a man who supported his wife in Mexico, sending home money every week. Those names include a young Pakistani who prayed toward Mecca five times a day, and died that day trying to save others.

The suffering of September the 11th was inflicted on people of many faiths and many nations. All of the victims, including Muslims, were killed with equal indifference and equal satisfaction by the terrorist leaders. The terrorists are violating the tenets of every religion, including the one they invoke.

Last week, the Sheikh of Al-Azhar University, the world's oldest Islamic institution of higher learning, declared that terrorism is a disease, and that Islam prohibits killing innocent civilians. The terrorists call their cause holy, yet, they fund it with drug dealing; they encourage murder and suicide in the name of a great faith that forbids both. They dare to ask God's blessing as they set out to kill innocent men, women and children. But the God of Isaac and Ishmael would never answer such a prayer. And a murderer is not a martyr; he is just a murderer.

Time is passing. Yet, for the United States of America, there will be no forgetting September the 11th. We will remember every rescuer who died in honor. We will remember every family that lives in grief. We will remember the fire and ash, the last phone calls, the funerals of the children.

And the people of my country will remember those who have plotted against us. We are learning their names. We are coming to know their faces. There is no corner of the Earth distant or dark enough to protect them. However long it takes, their hour of justice will come.

Every nation has a stake in this cause. As we meet, the terrorists are planning more murder—perhaps in my country, or perhaps in yours. They kill because they aspire to dominate. They seek to overthrow governments and destabilize entire regions.

Last week, anticipating this meeting of the General Assembly, they denounced the United Nations. They called our Secretary General a criminal and condemned all Arab nations here as traitors to Islam.

Few countries meet their exacting standards of brutality and oppression. Every other country is a potential target. And all the world faces the most horrifying prospect of all: These same terrorists are searching for weapons of mass destruction, the tools to turn their hatred into holocaust. They can be expected to use chemical, biological and nuclear weapons the moment they are capable of doing so. No hint of conscience would prevent it.

This threat cannot be ignored. This threat cannot be appeased. Civilization, itself, the civilization we share, is threatened. History will record our response, and judge or justify every nation in this hall.

The civilized world is now responding. We act to defend ourselves and deliver our children from a future of fear. We choose the dignity of life over a culture of death. We choose lawful change and civil disagreement over coercion, subversion, and chaos. These commitments—hope and order, law and life—unite people across cultures and continents. Upon these commitments depend all peace and progress. For these commitments, we are determined to fight.

The United Nations has risen to this responsibility. On the 12th of September, these buildings opened for emergency meetings of the General Assembly and the Security Council. Before the sun had set, these attacks on the world stood condemned by the world. And I want to thank you for this strong and principled stand.

I also thank the Arab Islamic countries, that have condemned terrorist murder. Many of you have seen the destruction of terror in your own lands. The terrorists are increasingly isolated by their own hatred and extremism. They cannot hide behind Islam. The authors of mass murder and their allies have no place in any culture, and no home in any faith.

The conspiracies of terror are being answered by an expanding global coalition. Not every nation will be a part of every action against the enemy. But every nation in our coalition has duties. These duties can be demanding, as we in America are learning. We have already made adjustments in our laws and in our daily lives. We're taking new measures to investigate terror and to protect against threats.

The leaders of all nations must now carefully consider their responsibilities and their future. Terrorist groups like at Qaeda depend upon the aid or indifference of governments. They need the support of a financial infrastructure, and safe havens to train and plan and hide.

Some nations want to play their part in the fight against terror, but tell us they lack the means to enforce their laws and control their borders. We stand ready to help. Some governments still turn a blind eye to the terrorists, hoping the threat will pass them by. They are mistaken. And some governments, while pledging to uphold the principles of the U.N., have cast their lot with the terrorists. They support them and harbor them, and they will find that their welcome guests are parasites that will weaken them, and eventually consume them.

For every regime that sponsors terror, there is a price to be paid. And it will be paid. The allies of terror are equally guilty of murder and equally accountable to justice.

The Taliban are now learning this lesson—that regime and the terrorists who support it are now virtually indistinguishable. Together they promote terror abroad and impose a reign of terror on the Afghan people. Women are executed in Kabal's soccer stadium. They can be beaten for wearing socks that are too thin. Men are jailed for missing prayer meetings.

The United States, supported by many nations, is bringing justice to the terrorists in Afghanistan. We're making progress against military targets, and that is our objective. Unlike the enemy, we seek to minimize, not maximize, the loss of innocent life.

I'm proud of the honorable conduct of the American military. And my country grieves for all the suffering the Taliban has brought upon Afghanistan, including the terrible burden of war. The Afghan people do not deserve their present rulers, Years of Taliban misrule has brought nothing but misery and starvation, Even before this current crisis, 4 million Afghans depended on food from the United States and other nations, and millions of Afghans were refugees from Taliban oppression.

I make this promise to all the victims of that regime: The Taliban's days of harboring terrorists and dealing in heroin and brutalizing women are drawing to a close. And when that regime is gone, the people of Afghanistan will say with the rest of the world: good riddance.

I can promise, too, that America will join the world in helping the people of Afghanistan rebuild their country. Many nations, including mine, are sending food and medicine to help Afghans through the winter. America has air-dropped over 1.3 million packages of rations into Afghanistan. Just this week, we air-lifted 20,000 blankets and over 200 tons of provisions into the region. We continue to provide humanitarian aid, even while the Taliban tried to steal the food we send.

More help eventually will be needed. The United States will work closely with the United Nations and development banks to reconstruct Afghanistan after hostilities there have ceased and the Taliban are no longer in control. And the United States will work with the U.N. to support a post-Taliban government that represents all of the Afghan people.

In this war of terror, each of us must answer for what we have done or what we have left undone. After tragedy, there is a time for sympathy and condolence. And my country has been very grateful for both. The memorials and vigils around the world will not be forgotten. But the time for sympathy has now passed; the time for action has now arrived.

The most basic obligations in this new conflict have already been defined by the United Nations. On September the 28th, the Security Council adopted Resolution 1373. Its requirements are clear: Every United Nations

member has a responsibility to crack down on terrorist financing. We must pass all necessary laws in our own countries to allow the confiscation of terrorist assets. We must apply those laws to every financial institution in every nation.

We have a responsibility to share intelligence and coordinate the efforts of law enforcement. If you know something, tell us. If we know something, we'll tell you. And when we find the terrorists, we must work together to bring them to justice. We have a responsibility to deny any sanctuary, safe haven or transit to terrorists. Every known terrorist camp must be shut down, its operators apprehended, and evidence of their arrest presented to the United Nations. We have a responsibility to deny weapons to terrorists and to actively prevent private citizens from providing them.

These obligations are urgent and they are binding on every nation with a place in this chamber. Many governments are taking these obligations seriously, and my country appreciates it. Yet, even beyond Resolution 1373, more is required, and more is expected of our coalition against terror.

We're asking for a comprehensive commitment to this fight. We must unite in opposing all terrorists, not just some of them. In this world there are good causes and bad causes, and we may disagree on where the line is drawn. Yet, there is no such thing as a good terrorist. No national aspiration, no remembered wrong can ever justify the deliberate murder of the innocent. Any government that rejects this principle, trying to pick and choose its terrorist friends, will know the consequences.

We must speak the truth about terror. Let us never tolerate outrageous conspiracy theories concerning the attacks of September the 11th; malicious lies that attempt to shift the blame away from the terrorists, themselves, away from the guilty. To inflame ethnic hatred is to advance the cause of terror.

The war against terror must not serve as an excuse to persecute ethnic and religious minorities in any country. Innocent people must be allowed to live their own lives, by their own customs, under their own religion. And every nation must have avenues for the peaceful expression of opinion and dissent. When these avenues are closed, the temptation to speak through violence grows.

We must press on with our agenda for peace and prosperity in every land. My country is pledged to encouraging development and expanding trade. My country is pledged to investing in education and combatting AIDS and other infectious diseases around the world. Following September 11th, these pledges are even more important. In our struggle against hateful groups that exploit poverty and despair, we must offer an alternative of opportunity and hope.

The American government also stands by its commitment to a just peace in the Middle East. We are working toward a day when two states, Israel and Palestine, live peacefully together within secure and recognize borders as called for by the Security Council resolutions, We will do all in our power to bring both parties back into negotiations. But peace will only come when all have sworn off, forever, incitement, violence and terror.

And, finally, this struggle is a defining moment for the United Nations, itself. And the world needs its principled leadership. It undermines the credibility of this great institution, for example, when the Commission on Human Rights offers seats to the world's most persistent violators of human rights. The United Nations depends, above all, on its moral authority—and that authority must be preserved.

The steps I described will not be easy. For all nations, they will require effort. For some nations, they will require great courage. Yet, the cost of inaction is far greater. The only alternative to victory is a nightmare world where every city is a potential killing field.

As I've told the American people, freedom and fear are at war. We face enemies that hate not our policies, but our existence; the tolerance of openness and creative culture that defines us. But the outcome of this conflict is certain: There is a current in history and it runs toward freedom. Our enemies resent it and dismiss it, but the dreams of mankind are defined by liberty—the natural right to create and build and worship and live in dignity. When men and women are released from oppression and isolation, they find fulfillment and hope, and they leave poverty by the millions.

These aspirations are lifting up the peoples of Europe, Asia, Africa and the Americas, and they can lift up all of the Islamic world.

We stand for the permanent hopes of humanity, and those hopes will not be denied. We're confident, too, that history has an author who fills time and eternity with his purpose. We know that evil is real, but good will prevail against it. This is the teaching of many faiths, and in that assurance we gain strength for a long journey.

It is our task—the task of this generation—to provide the response to aggression and terror. We have no other choice, because there is no other peace.

We did not ask for this mission, yet there is honor in history's call. We have a chance to write the story of our times, a story of courage defeating cruelty and light overcoming darkness. This calling is worthy of any life, and worthy of every nation. So let us go forward, confident, determined, and unafraid.

Thank you very much. (Applause.)

REGARDING H.R. 3162

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 3162 because I support combating terrorism in a way that ensures the protection of our freedom and liberties as well as our security. Unfortunately, H.R. 3162 provides sweeping new authority to law enforcement without also providing strong safeguards against the abuse of these new powers, and I cannot support it.

This issue is so important because it combines two of the most sacred responsibilities of the American government—protection of citizens' safety and the preservation of their liberty. Throughout our history, our government has sought the proper balance between the needs of law enforcement to conduct investigations in pursuit of suspected criminals and the needs of law-abiding citizens to live free from unnecessary government intrusion into their lives and activities. Until September 11, 2001, many felt we were equipped with the investigative tools they needed to investigate suspected criminals and prevent serious crimes. Since then, however, the need for new tools has become apparent.

The terrorist attacks of September 11 showed all Americans that new protections are needed to keep Americans safe and to uncover the activities of those who would do us future harm. The terrible acts shocked the world with their brutality, and I strongly support the President as he moves to eliminate future terrorist threats both at home and abroad. I also believe that the law enforcement community needs to modernize its capabilities to address the new threats we face as a nation but that we should not act hastily without fully understanding how the new powers will affect American freedom.

In response to the newly apparent need for changes in the law pertaining to criminal investigations, the House Judiciary Committee held hearings on the issue and crafted a thoughtfully designed bill to address the needs of law enforcement. The Committee's bill, H.R. 2975—the PATRIOT Act, passed in an incredibly rare unanimous and bipartisan vote of 36–0. H.R. 2975 received widespread support among members of the House, and I was prepared to support its passage through the House. It was a comprehensive bill that would have given important new authority to law enforcement while maintaining strong protections for the liberty and freedom of all citizens. H.R. 2975 would also have retained the crucial oversight of criminal investigations and prosecutions by impartial judges charged with ensuring that law enforcement acts fairly and responsibly.

The version of H.R. 2975 that reached the floor, however, was not the version I and many of my colleagues supported. Through a series of late-night negotiations held by a very small group of legislators, the language of H.R. 2975 was amended and altered to remove many of the vital protections contained in the original bill. I believe that laws affecting the civil liberties of Americans are among the most important considered by the Congress, and I could not in good conscience vote for a bill that I believe will threaten the liberties and freedoms we cherish.

In the days following the passage of H.R. 2975 by the House, the conference committee of the House and Senate created a new bill, H.R. 3162, designed to eliminate the differences in the versions of anti-terrorism legislation already passed by both chambers. In spite of some hard work by the negotiators, I am unable to support this new bill because it does not strike the right balance between protecting our liberties and providing for the security of our citizens.

Let me share with you a few of the bill's troublesome provisions to illustrate how it fails to protect our liberties and prevent abuse of the new powers. First, Federal prosecutors and the FBI are given broad access to very sensitive medical, educational, and financial records about individuals without having to show evidence of a crime and without a court order. Second, the CIA and other intelligence agencies are once again given the authority to conduct surveillance on Americans because they will be tasked with identifying priority targets for intelligence operations within the United States. The last time this happened, during the 1970s, the Congress discovered

numerous serious abuses of this power. Finally, this new legislation expands the power of the federal government to conduct secret searches. These secret searches can be conducted against suspected terrorist activity but can also be used in routine criminal investigations not related to terrorism. These are only a few of the broad, sweeping powers granted to the federal government in this new law.

As a former federal prosecutor and New Mexico's Attorney General, I am both familiar with the needs of law enforcement to pursue suspects and a strong supporter of law enforcement. I also am a strong supporter of civil liberties and believe that the fourth amendment to our Constitution must be guarded against encroachment, even in the name of security. In opposing H.R. 3162, I was expressing my belief that the needs of law enforcement can be met without eroding our liberty. My experience shows that this belief is true, and my convictions tell me that it is right.

A TRIBUTE TO SARGENT SHRIVER, ONE OF AMERICA'S GREATEST PUBLIC SERVANTS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. HOYER. Mr. Speaker, as our nation moves forward from September 11, we know that the answer to profound loss and tragedy can only be found in faith and determination.

Ours is a story of perseverance, of courage, of sacrifice. The American journey has not been paved by ease. Our quest for freedom, democracy and decency has never been free. Yet, we are strengthened by the fact that each generation of Americans prepares its place in history from the shoulders of those who preceded.

Thus, it's with great honor that I pay tribute, on the occasion of his 86th birthday, to one of the greatest public servants in the history of our nation and a great American—Robert Sargent Shriver, Jr.

Sargent Shriver's devotion to this nation—and humanity—sets an example for all to emulate and a high bar that only a few will ever hope to exceed.

A native of the State of Maryland, and in fact a member of one of the Free State's founding families, Sargent Shriver has dedicated his life to improving the lives of others.

A few years ago, Sarge was asked to explain his lifelong commitment to public service. ''I just feel my faith,'' he said. ''A life of service is like catching a disease. In a family it's passed on. . . . Our five children are all involved in service. It's in their veins.''

There is no doubt that this generation and future generations of Americans are the beneficiaries of his life of service.

After graduating from Yale Law School in 1941, Sarge enlisted in the Navy, where he received the Navy Unit Citation and the Submarine Medal for service in both the Atlantic and Pacific.

After World War II, Sarge accepted a position as assistant editor with Newsweek magazine. He later went into business with Joseph Kennedy, President Kennedy's father, and met Eunice, his wife of more than 48 years.

Sarge then moved his family to Chicago, where he served on the Board of Education. In 1956, he was elected President of the Board, the youngest person to serve in such a position in any major American city.

And in 1960, he joined the Presidential campaign of then-Senator Kennedy. After the election, he was asked by President Kennedy to create the Peace Corps and in March 1961 was appointed its founding Director.

Sarge's vision for the Peace Corps was straight-forward and strong: ''to permit Americans to participate directly, personally, and effectively in this struggle for human dignity.''

In nearly six years at the Peace Corps, Sarge developed programs in 55 countries with more than 14,500 volunteers. Forty years later, the solid foundation that he created has only strengthened and expanded. Today, 163,000 Peace Corps volunteers have served in 135 countries.

As CBS television commentator Charles Osgood said just a few weeks ago: ''Much has changed since 1960, but two things have not: Americans still pray for peace and they still join the Peace Corps.''

However, while Sarge is rightly identified as the founding father of this great American idea, his contributions to the Peace Corps do not tell the whole story.

Sarge also served as the first Director of the Office of Economic Opportunity under President Johnson. Then, between 1964 and 1968, he created VISTA, Head Start, Community Action, Foster Grandparents, Job Corps, Legal Services, Indian and Migrant Opportunities and Neighborhood Health Services.

And, then, from 1968 to 1970, he served as U.S. Ambassador to France, before being nominated in 1972 to serve as the Vice Presidential candidate on the Democratic Party's ticket with George McGovern.

I dare say that few Americans have given so much to help so many. Yet, in the twilight of this incredible life, Sarge and Eunice continue to give. For example, Eunice is the Founder and Honorary Chair and Sarge the Past-President and current Chairman of the Board of the Special Olympics.

To call this record of public service exemplary is a vast understatement. Words cannot adequately convey the decency and humanity that has been brought into the lives of millions worldwide through the work of Sargent Shriver—international lawyer, ambassador, humanitarian. His life's work shall live on long after this and succeeding generations have passed the torch of public service to their progeny.

''Serve, serve, serve,'' Sarge was known to say, ''because in the end it is the servants who save us all.''

Mr. Speaker, today I honor a great American and wish him only the best as he begins this, his 87th year of public service to the United States and the cause of humanity.

HONORING BRADFORD L. COWGILL FOR DEDICATED SERVICE TO THE GREATER LEXINGTON COMMUNITY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. FLETCHER. Mr. Speaker, I rise today to honor Mr. Bradford L. Cowgill for his lifelong commitment and dedicated service to his hometown—Lexington, Kentucky. Brad, born to Sue Ann Bradford Cowgill and the late Ben L. Cowgill, attended Fayette County Public Schools, graduating from Henry Clay High School. He received his bachelor's degree in political science and economics from Vanderbilt University and returned to Lexington to receive his Juris Doctor degree from the University of Kentucky School of Law. While at UK, Brad founded and served as editor of the law school newspaper, Dicta, and was a member of the Moot Court Board.

Following graduation, Brad joined the Lexington law firm of Brown, Sledd and McCann, where he became partner in 1982. In 1985, the firm merged with Wyatt, Tarrant & Combs. Currently, Brad's practice is concentrated in corporate matters and commercial litigation, with emphasis on construction-related claims and clients. He is a regular lecturer on construction law topics and is a member of the Forum Committee on the Construction Industry of the American Bar Association. Active in leadership positions in the Kentucky Bar Association, Brad is a former chairman of the Continuing Legal Education Commission and served as chairman of the 1990 Annual Meeting of Kentucky Attorneys.

Brad's commitment to improving the Lexington community is demonstrated by mentioning the current activities in which he is involved. He currently serves as Chairman of the United Way of the Bluegrass, Chairman of the Lexington Community College council and the following boards: Governors Scholar Program, the Lexington YMCA, Bluegrass Tomorrow and the New Century Lexington Partnership. He has served as an executive committee member and general counsel to the Greater Lexington Chamber of Commerce and on the boards of Lexington United and the Better Business Bureau. He has also served for three years as board chairman of Saint Joseph Hospital.

In 1993, Brad served as Council-Member-At-Large of the Lexington-Fayette Urban County Government by appointment of Mayor Pam Miller. In 1994, he founded TEAM (Toward Efficiency in Administration and Management) Lexington, Inc., a non-profit organization that conducted a nine-month study of the personnel policies and practices of the Urban County Government. In 1995, Brad and others founded the New Century Lexington Partnership, which was a community-wide visioning and planning program undertaken by Lexington's major organizations and institutions. Brad has also served as Chairman of the Lexington-Fayette Historic Commission and of the Lexington Transit Authority.

Brad's service not only includes a multitude of civic and government activities, he is committed to improving public education in Fayette

County. He recently served on the Superintendent's Advisory and Key Communicators Committees for the Fayette County Public Schools. In 1992–93, Brad co-authored ComPEL IV, a Chamber of Commerce study of the Fayette County Public School administration. He has served on the Task Force on Excellence in the Fayette County Schools and is a 1980 and 1990 graduate of Leadership Lexington.

Brad's accomplishments are shared with his wife, Margaret, and his three children: Bo, 20; Ben, 17; and Ann, 14.

Central Kentucky is a better place because of Brad's active involvement in the Lexington community. His commitment to improving the lives of others around him is commendable. Today, Mr. Speaker, I salute and thank Mr. Bradford L. Cowgill for dedication to the Lexington community.

H.R. 3150 ''AVIATION SECURITY ACT''

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. OWENS. Mr. Speaker, the time to maintain the status quo is over. The attacks of September 11th along with the recent Anthrax scare have left the public frightened and confused over who will ultimately take responsibility. Repeatedly the President has called on the American public to return to business as ususal; that can only happen once the House follows the Senate's lead by passing a comprehensive Aviation Security Bill. The eyes of the American public are focused squarely on this chamber. Just recently the American Federation of Government Employees commented ''Airport security, is a national defense concern. It should not be the responsibility of profit-driven companies to protect travelers, given the war-like dangers of today's world. Forprofit contractors are notorious for ''cutting corners'' on essential services.''

The key to solving our nation's aviation crisis will not simply go away by deputizing airline screeners. The American people demand a common sense approach that will restore consumer confidence by improving airline security. However, the window of opportunity is now beginning to close; now is the time to act responsibly before millions of people choose another form of transportation during the holiday season. To ensure the attacks of September 11th never occur again this House must follow the Senate's lead and pass a comprehensive bill that strengthens employee training and security background checks. We must act now to prevent future tragedies from occurring within our Nation's borders!

Since the September 11th tragedy consumer confidence in the airline industry has virtually disappeared. Nearly every major carrier has announced that thousands of employees will be laid off over the next year. The American people continue to look to us for leadership and guidance during such troubling times. Unfortunately, the Republican leadership has squandered an opportunity to restore consumer confidence and continue the bipartisan effort to stabilize the aviation industry. Mr. Speaker, quite simply H.R. 3150 is a farce, a scam, a way to trick the American people into believing that the Republican leadership truly cares about workers and citizens who depend on the airline industry. Anyone who closely examines the bill will find that the Republican House leadership has chosen to protect airline industry ''fat cats'' and ignore the voice of the American people.

Rewarding the same private screening companies that have continuously failed to protect the American public is outrageous. The Republican leadership can not pretend to have the interests of the American people in mind when airport baggage companies are poised to make millions of dollars through new contracts. The GOP bill does not mirror the language in the Oberstar amendment which federalizes airport screeners and transfers their day to day oversight from the Transportation Department to the Justice Department. The Democratic alternative takes a stand the Republican leadership refuses to take; we provide strong oversight and place the responsibility for the safety of the American people firmly in the hands of the federal government.

MEDICARE OUTPATIENT COPAYMENT REDUCTION ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. STARK. Mr. Speaker, today, I am introducing legislation to reduce the coinsurance amounts that Medicare beneficiaries are required to pay for hospital outpatient services. For most Medicare services, beneficiaries are required to pay 20 percent of the allowed payment amount, and Medicare pays 80 percent. However, for hospital outpatient services, Medicare beneficiaries are required to pay much higher copayments—up to 90 percent for some services.

These higher coinsurance levels are based on an historical artifact of the Medicare method of paying for hospital outpatient services. Prior to implementation of the hospital outpatient prospective payment system (HO–PPS) just last year, Medicare paid for hospital outpatient services based on a hospital's ''costs'' for those services. However, coinsurance amounts were based on 20 percent of the hospital's ''charges'' for those services, which were much higher than its ''costs''. Therefore, over time, coinsurance levels for hospital outpatient services grew until they now average almost 50 percent, and are more than 90 percent for some services.

The Balanced Budget Act (BBA) of 1997, which mandated the implementation of the hospital outpatient prospective payment system, would have reduced coinsurance levels to 20 percent over time; however, the Medicare Payment Advisory Commission (MedPAC) estimated that this reduction would have occurred over 30 to 40 years for most services, and up to 60 years for some services. The Balanced Budget Refinement Act (BBRA) limited the highest coinsurance levels to the dollar amount of the hospital inpatient deductible in any year ($792 in 2001); this limit affected coinsurance amounts for about 20 services.

The Beneficiary Improvement and Protection Act (BIPA) of 2000 accelerated the reduction in beneficiary coinsurance levels by reducing coinsurance in increments of 5 percent each year until it reaches 40 percent in 2006. MedPAC estimates that without further legislation, it would take an additional 23 years after 2006 to reduce beneficiary coinsurance levels to 20 percent for all hospital outpatient services. In its March 2001 report to Congress, MedPAC recommended that the Congress continue to reduce beneficiary coinsurance in increments of 5 percent each year to achieve a coinsurance level of 20 percent in 2010.

Mr. Speaker, my bill would implement the MedPAC recommendation. It would reduce beneficiary coinsurance rates in increments of 5 percent each year beginning in 2007 until the coinsurance rate for all hospital outpatient services is 20 percent in 2010.

Mr. Speaker, high coinsurance rates are particularly devastating for Medicare beneficiaries who have no supplemental insurance. MedPAC estimates that in 1998, 14.4 percent of Medicare beneficiaries had no supplemental insurance. Most of those individuals were ''near poor''—with incomes too high to qualify for Medicaid or the Qualified Medicare Beneficiary (QMB) program, but with incomes too low to be able to afford supplemental insurance. Thus, almost 6 million Medicare beneficiaries have no supplemental insurance and must pay cost sharing amounts out-of-pocket. MedPAC reports that the number and percentage of Medicare beneficiaries without supplemental insurance grows each year as premiums for such insurance increases, and a recent report by the American Academy of Actuaries estimated that one-fourth of recent increases in Medigap premiums are due to the costs of outpatient coinsurance.

MedPAC also reports that coinsurance amounts are much higher for certain services than others. Those with the highest coinsurance are the ''high tech'' services, such as radiology services and cancer chemotherapy services. Thus, high coinsurance greatly limits access to these services for ''near poor'' Medicare beneficiaries, and MedPAC analyses confirm that use of these services is much lower for ''near poor'' beneficiaries than for beneficiaries with supplemental insurance.

Mr. Speaker, it is wrong to limit Medicare services to the ''near poor'' simply because they are not poor enough to qualify for Medicaid, nor wealthy enough to be able to purchase supplemental insurance. I urge the Congress to accept the MedPAC recommendation and enact legislation to reduce coinsurance for hospital outpatient services to 20 percent by 2010.

MILWAUKEE KIWANIANS CELEBRATE 85 YEARS OF SERVICE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. KLECZKA. Mr. Speaker, on Wednesday, November 14, 2001, the Kiwanis Club of

Milwaukee will commemorate 85 years of dedicated and altruistic service provided to the people of our community.

Chartered in November, 1916 as the 73rd club under Kiwanis International, the Kiwanis Club of Milwaukee began as a service organization of 158 businessmen. Since its humble beginnings, the Milwaukee branch has established itself firmly within Southeastern Wisconsin while providing untethered leadership and generosity for those in need.

Committed to eliminating the devastating effects of iodine deficiency disorders (IDD), Kiwanis International launched its first Worldwide Service Project in 1994 pledging to raise $75 million in partnership with UNICEF to eradicate this very debilitating but preventable condition. The Milwaukee Club's commitment to raise over $60,000 for the Worldwide Service Project insured that 1.5 million individuals will not suffer from disorders including stillbirths and cretinism. This gift will also allow future generations to grow up healthy and confident that their children will reach their full physical and mental potential free of IDD.

The Kiwanis Club of Milwaukee also actively reaches out a hand to help its fellow neighbors. By working with Milwaukee Public Schools and YMCA Holton Youth Center, the Milwaukee Club has made an commitment to improve the lives of numerous youth by volunteering their time to tutor in an inner city Milwaukee school and by providing mentors, organizing book drives, and donating computers to Holton Youth Center's library to help the young participants to continually achieve success in their own lives.

Dedicated to expanding the horizons of all citizens, the Kiwanis Club of Milwaukee, along with Curative Care Network of Milwaukee, worked to form the fifth Aktion Club in the world. This innovative program gives developmentally handicapped adults the opportunity to actively provide community service throughout their neighborhood. This year the Milwaukee Kiwanis Club and Aktion Club are joining together in the annual Milwaukee River Cleanup and the holiday season's bell-ringing campaign.

Through their contributions and service projects, the Kiwanis Club of Milwaukee has established itself as an important resource for thousands of individuals. It is with great pleasure that I extend my heartfelt congratulations to the Kiwanis Club of Milwaukee as they commemorate this milestone, and extend best wishes for continued success in their next 85 years.

A TRIBUTE TO LETITIA HOADLEY WHITE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Letitia Hoadley White, a congressional staff member who has spent two decades representing the highest values we in Congress want to provide to our constituents: courtesy, commitment and a dedication to public service.

Letitia Hoadley Joined my staff on November 9, 1981, as a receptionist. She quickly showed a sensitivity toward constituents, and an eagerness to help them solve their problems. It wasn't long before people began calling our office looking specifically for ''that young lady who was so nice on the phone.''

Her intelligence and willingness to go the extra mile led to her promotion to executive secretary after just a month, and to legislative correspondent in less than a year. Letitia wasn't sure she wanted the second promotion—it paid more and had more responsibility, but she worried she would miss the chance to talk to and help the people who called and came in our front door. Happily, she agreed to take the new job, and did it so well we promoted her to legislative assistant four months later.

Letitia has always been someone I could turn to for the most difficult jobs. When it appeared we would never convince Congress in 1983 to pay for a flood control project that would protect more than a million Southern California residents, she helped convince colleagues from four counties to work together—and got the project started in our district.

She has also shared with me a desire to encourage innovation and small business. Years ago, I asked Letitia to help me make sure the Pentagon provided increased funding for rapid development of a radical new technology—unmanned aerial vehicles. Through her work, we managed to move up testing and evaluation of the Predator UAV program by two years. Now, of course, it is one of the most highly touted new weapons in our war against terrorism.

After years of toiling in the legislative trenches and solving problems for my constituents and district, Letitia became an appropriations associate in 1986, and now works directly with the Defense Appropriations Subcommittee. Since taking that job, she has taken the dedication to constituent service to a new level.

Appropriations staff members have a special role in Congress, helping to ensure that our government spending meets the needs of the public and stays within our budget. At the same time, they must help us to win the support of a majority of Congress, since these spending bills must pass every year. New staff members working on appropriations would do well to learn from Letitia, who has made an art of providing ''constituent'' service to other House members and the agencies we oversee.

She is the epitome of what we mean when we speak of dwelling on the positive. She looks for the good in people, and really works at building on their strengths. At the same time, she uses every bit of her energy to help them succeed in what they need. The members of the Defense Appropriations Subcommittee, on both sides of the aisle, will attest to Letitia's intelligence, hard work, courtesy and optimism. She is one of the primary reasons we are able to pass a $300 billion spending bill with almost no debate or rancor.

Twenty years after she took her first call as a receptionist, Letitia still jumps to answer the telephone when she is in the front office. She will still spend 15 minutes talking to constituents who are in town for a visit, and then take on the most technical meetings with generals and assistant cabinet secretaries. She will undertake any job and work nights, weekends and through her vacation to get it done. And she lives by a rule I often quote: It's amazing what we can accomplish if we don't worry about who gets the credit.

Mr. Speaker, we often think of our congressional staff members as our ''family,'' and many times during the year they spend more time with us than their real families. We certainly owe a debt of gratitude to Letitia's husband, Dick White, for being understanding when she must work long hours—and then take more work home. I ask you and my colleagues to join in thanking Letitia for her dedication to the American people, and wishing her well in the years to come.

H. RES. 264, PROVIDING FOR CONSIDERATION OF H.R. 2975; TO COMBAT TERRORISM

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to object to this rule in the strongest possible terms. I believe that both the path taken and the point at which we have arrived this morning are an affront to the democratic process and are stunning examples of a breakdown in the systems that have served our country and the Congress for over two hundred years.

The issues addressed in this legislation are of profound importance to the safety and security of our constituents and to the continued safety of the country as a whole. I believe that there is no more important duty undertaken by a member of this body than to protect the welfare of his or her constituents while also protecting the civil liberties for which so many Americans have given their lives. The procedural tactics employed this morning in the name of expediency, however, threaten not only to derail a legislative process that would have resulted in a widely supported bill to protect Americans, it also threatens to undermine the civil liberties enjoyed by Americans and the democratic principles enshrined in this very chamber.

The outrage of this morning is tremendously disturbing to me and many of my colleagues. Rather than allowing a widely supported bill—passed unanimously by a committee that is often viewed as one of the most partisan in the Congress—to come to the floor for debate and a vote, the leadership of this body has decided to craft an alternative bill in the dead of night without providing the membership of the body at-large sufficient time to study its contents. I cannot understand why the leadership would threaten the wonderful spirit of bipartisanship that has flourished in the Congress over the last month by resorting to these types of procedural tactics and back-room deal making.

I arrived at the Capitol this morning buoyed by the prospects that a thoughtfully deliberated and considered bill would be presented on the floor of the House for additional debate and consideration. I was monumentally disappointed to discover, however, that the bill

had been pulled and replaced by an unstudied substitute, the contents of which remain largely a mystery to even many senior members of the Judiciary Committee. At nearly two hundred pages of esoteric and technical language, the bill is beyond the length that a member of this body may be reasonably assumed to have read and understood.

By opposing this unfair rule, I am standing in support of fairness and the democratic process. I fully understand the need to implement new measures that will allow law enforcement to respond to the new threats posed to the United States by those who would do us harm, but I must urge my colleagues to oppose the rule. By defeating this rule, we will allow sufficient time to pass so that we may, in good conscience, examine this new bill and cast our votes confident that we understand its contents and its implications for law enforcement and democracy.

TRIBUTE TO KIM GREGURICH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to Pleasant Hill, Illinois, as well as all Americans who have given their support to the cause of bringing home our POWs.

Like thousands of other Americans, Kim is the owner of a POW/MIA bracelet—a copper band inscribed with the name of a soldier who was either listed as missing in action or as a prisoner of war during our time in Vietnam. The name on Kim's bracelet is Lieutenant Commander Robert Shumaker, a pilot shot down in 1965. She has had the bracelet for over thirty years; she bought it to show her support of our armed forces, and promised never to take it off unless her POW was released. These bracelets were a method of putting public pressure on the Vietnamese government to send our soldiers home.

It worked. Lieutenant Commander Shumaker was released on the Flight to Freedom in 1975 in part, he says, because the Vietnamese knew how closely the American people were watching them. Ms. Gregurich heard that happy report on the radio and was finally able to take off her bracelet.

Now, twenty-six years later, she has decided to go one step further—she has taken the initiative to locate Mr. Shumaker and send him the copper band. ''I wasn't sure if it would be a bad memory,'' she said, ''but I just wanted him to know that there was one more person thinking about him while he was gone.''

But Mr. Speaker, while Ms. Gregurich's tale is heartwarming, it is also a sad reminder—many Americans have not yet been able to take off their bracelets. There are 1,948 Americans that are still missing and unaccounted for from the Vietnam War; there are another 58,000 whose fate we know all too well. These men and women will never come home; so, like Ms. Gregurich, I will hold a bracelet for each of them in my heart.

Mr. Speaker, Ms. Gregurich and others who put their hearts into this support deserve our thanks; and them men and women who fought and died for our country deserve our eternal gratitude. May God bless them, and may God bless the United States of America.

COMMENDING THE WORK OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RAHALL. Mr. Speaker, I want to note the vital contribution the International Union of Operating Engineers (IUOE) has made to the daunting clean up task at the World Trade Center's ''Red Zone,'' better known as ''Ground Zero.'' The IUOE's National Hazardous Materials (Hazmat) Program is based in Beaver, West Virginia. I am proud to represent them in Congress as part of the Third Congressional District of West Virginia.

Don Carson, the Director of IUOE's Hazmat program, and a team of workers from the Beaver facility were among the first out-of-state workers to be sent to work at Ground Zero immediately after the September 11th terrorist attacks. Mr. Carson has sent me heart-wrenching pictures of the twisted metal that show the depth of the tragedy and the danger of the rescue work. But that danger has not deterred any of the workers who have been involved in the rescue, and now recovery, effort.

Ever since the tragedy occurred, IUOE, and the Hazmat Center, have played a major role in the rescue and recovery effort. In fact, Mr. Carson has been coordinating the Hazmat workers' activities based out of a command post trailer parked on the right field warning track of a baseball field near Stuyvesant High School.

Today, Mr. Carson sent me an article from the New York Daily News. The article describes how Mr. Carson ''has been handing out respirators, hardhats and protective vests since the attacks.''

The workers' health has come into question as the long weeks pass since the attacks. They have developed a cough that doctors refer to as the ''World Trade Center cough.'' Don Carson and IUOE's Hazmat Center are trying to tackle this. They are working with the Occupational Safety and Health Administration and the New York City Department of Health (DOH) to conduct a respirator fit test and orientation for all workers assigned to Ground Zero. The workers must have a DOH sticker affixed to the credentials in order to work in the Red Zone.

After the workers take their respirator fit test, they will be given an American flag hard hat.

The News article notes that these workers ''battle constant danger, fumes and fatigue, as well as their own emotions. ''Our guys have seen things that God never intended,'' said Bobby Gray, 46, the union's master mechanic. ''But they soldier through.''

The IUOE workers have ''pulled bodies from the rubble, cleared hills of.jagged steel and recovered million of dollars in gold bullion trapped under the fallen towers.''

The farther down the workers go below ground level, the more dangerous it gets. They must drill 8-inch cables into the concrete retaining wall—the ''bathtub wall''—that circles the World Trade Center site to make sure it is anchored to the bedrock.

If the ''bathtub wall'' would burst, the Hudson River would rush in and flood the site. But the IUOE workers press on, risking this incredible danger as they drill the holes.

The News article follows the IUOE workers' tasks as they operate ''twenty five cranes, 75 excavators and countless front-loaders, payloaders and machine drills.'' For example, crane operator Steve Nolan operates a 438-foot crane, navigating a one-and-one-half ton man-basket from inside the rig's cab.

''A crane like this is not to be run by the seat of your pants,'' Nolan said. ''If you have an oops'' on a job like this people are dead.''

''Even when I'm wrecking a building, it's usually a happy job because we are replacing it with something new,'' said Steve Nolan. ''When I sit in the crane, I ask myself. 'What kind of sick hatred could do this?''

NORTH CAROLINA'S ELECTRIC COOPERATIVES STRENGTHENING PUBLIC SCHOOLS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today to take this opportunity to recognize a great partnership of the public school system and private sector in my congressional district in North Carolina, ''Bright Ideas.'' Bright Ideas is sponsored by North Carolina's 27 electric cooperatives. Each cooperative and their statewide association, the North Carolina Association of Electric Cooperatives, make grants directly to classroom teachers. Bright Ideas allows teachers with imagination and creativity to go the extra mile and, of course, students and the educational process are the ultimate beneficiaries.

As a democratic nation, we enjoy and cherish unmatched rights and freedom. We are a land where individuals, regardless of background and circumstances of birth, can aspire to do great things. We need more ''Bright Ideas,'' not only in North Carolina but also throughout the nation. And we must make sure there is no pulling back, no reduction of support for our public schools as a result of the crises we face. It would be yet another tragedy if we somehow lost sight of our priorities and our public schools suffered. The Greek philosopher, Aristotle said 2500 years ago that, ''The fate of empires depends on the education of youth.'' As we work to ensure a secure future for our nation in light of unprecedented assaults on our way of life, it is important to remember this fact.

During these uncertain times we must not lose sight of education as the foundation of our democratic and free society. We invest in our people by investing in our public education system. As we fight to preserve our way of life, public education—that solid rock upon which our society is built—absolutely must remain a top priority. And support must continue

to come from both the public and private sectors.

North Carolina's electric cooperatives are as committed to the public schools and to North Carolina's classroom teachers as they were in 1994 when they made their first Bright Ideas grant. Since then, the cooperatives have made almost $2.5 million in Bright Ideas grants to classroom teachers all across North Carolina to encourage creative instruction. This year alone they have budgeted almost $400,000 for grants. The North Carolina Association of Electric Cooperatives and the 27 local cooperatives are providing the funds.

Bright Ideas projects are designed to spark the imagination of students through hands-on projects and to make learning experiences exciting, enjoyable and rewarding. In 2001, hundreds of North Carolina classrooms will become ''Bright Ideas Classrooms,'' and 70,000 students will have unique educational experiences that would not have been possible without this investment from the private sector.

When I am asked, ''What can we do to help improve public school education?'' I often point to Bright Ideas as an example. This one program says a lot about the impact companies and organizations can have with a modest investment in our public schools and good teaching. Creative partnerships are desperately needed in most school systems to provide laboratory and telecommunications equipment, extra-classroom experiences, resources for athletic teams and bands who often receive little public funding, and grants for classrooms teachers, such as those North Carolina's electric cooperatives provide through ''Bright Ideas.''

Bright Ideas is not a one-size-fits-all grant program. It is unique because it begins in the classroom where teachers and students put their heads together and devise their own learning initiatives. Then the teacher asks the cooperatives to fund the project they have devised.

Our President has urged us to not allow our lives to be further disrupted by the September 11 tragedies. I would add that while doing that we should make sure that our priorities remain firm. Former president Lyndon Johnson, who faced tremendous challenges during his administration, said, ''At the desk where I sit, I have learned one great truth. The answer for all our national problems—the answer for all the problems of the world—comes to a single word. The word is 'education.' ''

Continue to focus on improving public education. One great way to do that is to encourage public-private partnerships such as the Bright Ideas program in North Carolina that our electric cooperatives have initiated and, working closely with teachers, made so effective.

America's future is bright, and one reason is Bright Ideas. I salute North Carolina's electric cooperatives for their continuing commitment to this program that enhances teaching in our public school classrooms, and I commend Bright Ideas.

HONORING COMMANDER VINCENT WILCZYNSKI

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. SIMMONS. Mr. Speaker, I rise to honor and pay tribute to Commander Vincent Wilczynski, an Associate Professor of Mechanical Engineering at the U.S. Coast Guard Academy in New London, Connecticut. A resident of Old Lyme, he is a Commander in the U.S. Coast Guard, an educator, an administrator and civic leader in our community.

Joined by various members of the U.S. Coast Guard Academy, the U.S. Coast Guard, friends, and family, he was honored today by the Council for Advancement and Support of Education and the Carnegie Foundation who recognized CDR Wilczynski's achievements throughout the years by honoring him with the ''2001 Professor of the Year for a Baccalaureate Institution'' award presented at the National Press Club. He was chosen from a group of over 400 extremely qualified nominees.

CDR Wilczynski is a 1983 U.S. Coast Guard Academy graduate, and received his masters and doctorate degrees from Massachusetts Institute of Technology and Catholic University. He has served in the Department of Engineering for the United States Coast Guard Academy for almost nine years. During this time he has introduced innovative and creative techniques to the classrooms and laboratories. He was instrumental in establishing the mechanical engineering major at the academy, and earning its accreditation, and has been a mentor to hundreds of cadets—many of whom are now commissioned officers.

CDR Wilczynski has also extended his dedication to teaching beyond the U.S. Coast Guard Academy. He has been a tireless proponent of community service programs that are helping to motivate elementary and high school students to pursue technical educations. He has also been teaching today's youth in high schools across the country through the FIRST (For Inspiration of Science and Technology) Robotics Competition.

Mr. Speaker, CDR Wilczynski has reached out and touched the lives of many individuals throughout the nation through his innovative teaching. He has given us 18 years of service as an officer in the U.S. Coast Guard, and continues to serve the nation faithfully.

Commander Wilczynski has truly distinguished himself and the U.S. Coast Guard Academy as the 2001 Professor of the Year. And he is the first member of the faculty of any of our service academies to be so honored in the 20-year history of this award.

Mr. Speaker, I urge Members of the House of Representatives to join me in heartfelt appreciation for the service this dedicated man has provided to our country.

INTRODUCTION OF SENSE OF THE CONGRESS CONCERNING THE SECURITY OF NUCLEAR FACILITIES IN THE UNITED STATES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. GEKAS. Mr. Speaker, today, I introduce a sense of the Congress measure related to the very real and present concern for the security of our nuclear facilities in the new post September 11 era.

Throughout my public life I have represented in the Pennsylvania legislature and here in Congress the many neighborhoods and communities surrounding the Three Mile Island nuclear facility. I remember well the infamous incident at TMI in 1979. I served as a state senator at the time and, minutes after the warning came that an incident had occurred, I was at the site trying to gather information and allay public concerns. In the many years that have followed, I have worked consistently to ensure that security at TMI was beyond reproach, and I think with great effect. Nuclear power plant security has and will always be of paramount importance to me.

It has been twenty-two years since the TMI incident. I believe the security of TMI today remains as tight as ever. However, in light of the terrorist attacks that destroyed the World Trade Center, damaged the Pentagon, and murdered over 5,000 innocent civilians, we must be even more vigilant. A recent credible threat to TMI provoked concerns on the part of many in my District about the ability of TMI and other nuclear facilities to repulse a possible terrorist attack. Happily, the threat to TMI turned out to be noncredible. But the concerns exist. I believe the Nuclear Regulatory Commission handled the incident appropriately. They assure me that future terrorist threats can be dealt with to ensure that a nuclear incident does not occur as a result. Yet, we cannot know with absolute certainty that we are forever safe from such a threat. I firmly believe that a thorough, federal study of the security measures in place now and, those needed in the future, at all of nation's nuclear facilities should be conducted immediately.

There are over 103 nuclear facilities located at 64 sites in 31 different States. Each has a different security plan registered with the Nuclear Regulatory Commission, yet the overall responsibility for the security of all such facilities remains a federal issue. My legislation would reconfirm the national responsibility for nuclear plant security, and calls upon the President to order an interagency study of security at nuclear facilities be conducted immediately by the NRC, the Defense Department, the Department of Transportation, Federal Bureau of Investigation and Central Intelligence Agency.

I am pleased with the steps Governor Ridge of the Office of Homeland Defense continues to take to prepare the country for future acts of terrorism. One of those steps was to recently issue, in conjunction with the NRC, an alert to Governors to take necessary steps to bolster security at our Nation's nuclear power plants. Thirty-one States are home to over a

hundred nuclear facilities. Twenty-two Governors, after receiving the Homeland Defense security alert, ordered State troopers and local officers to temporarily augment the private security at the facilities in their States. Nine Governors, including Governor Schweiker of Pennsylvania, decided to call up National Guard units to bolster security at their nuclear facilities. However, the use of National Guard forces has raised many questions. Why some States and not others? How large a force will be necessary? How long will they be there? Are they properly trained for such a mission? Are their efforts coordinated with law enforcement and private security? And, who will fund these units?

My legislation calls upon President Bush to make the use of military forces at nuclear plants a primary focus of the federal interagency study to be commissioned. The Department of Defense and Nuclear Regulatory Commission must move forward with other relevant agencies towards developing standards to ensure that units of the National Guard, Coast Guard, Army and Air Force are used appropriately, are adequately trained, and highly coordinated with law enforcement and private security forces. Moreover, my resolution calls upon the President to recognize the need for federal funding for National Guard units called upon to perform security duties at nuclear power plants nationally. The National Guard has a unique dual role. They serve under State authority or federal authority, depending on their mission. President Bush has recognizing the national importance of protecting our national transportation system by funding National Guard units stationed at airports and train stations across the country. This resolution calls upon the President to similarly recognize the national importance of nuclear plant security by funding those units sent to nuclear power plants.

Additionally, my resolution calls upon the President to direct the FDA, NRC and FEMA to take all necessary steps to begin stockpiling supplies of potassium iodide in communities within the Emergency Planning Zones of each of the 64 nuclear power sites across the country. Potassium iodine can effectively counteract some of the more serious debilitating effects of radiation poisoning. A potential accident at a nuclear facility can result in leakage of radioactive iodine. Studies show that use of potassium iodide tablets can prevent the onset of thyroid cancer, a by-product of radioactive iodine exposure. Stockpiling of potassium iodide tablets simply makes sense. It is another important way we can do everything within reason to make sure our communities are free from the fear of insecurity.

Mr. Speaker, I commend the Bush Administration for the actions taken to make America more secure. More will be done. My sense of the Congress resolution helps point the Government in the direction it must move over the next months. I thank Mr. KANJORSKI, Mr. PITTS and Mr. PLATTS of the Commonwealth of Pennsylvania for their active support in joining me in this measure. And, I ask that all Members of Congress and the Senate support our measure.