SENATE—*Wednesday, February 14, 2001*

The Senate met at 10:00 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

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

O God, here we are decked out with red ties, blouses, and dresses, ready to celebrate Valentine's Day. Thank You for those we love—our spouses and families, our friends, and those with whom we work. You are the artesian well of true love. Good thing, Father, for we also need love for those we find it hard to like!

May this be a day in which Your love is expressed in our words, attitudes, and actions. Particularly, we need Your help to express affirmation to those who need assurance, encouragement to those who have heavy personal burdens to carry, and hope to those with physical pain. Our prayer for each of these is not to remind You of what You already know, but to place ourselves at Your disposal to be messengers of Your love in practical ways and in heartfelt words. May this be a ''say it'' and ''do it now'' kind of day. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE 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. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 14, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to exceed the hour of 2 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 10:40 a.m. shall be under the control of the Senator from Wyoming or his designee.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming, the acting majority leader, is recognized.

SCHEDULE

Mr. THOMAS. Today, the Senate will be in a period of morning business throughout the morning until 2 o'clock. Following morning business, the Senate will begin consideration of S. 320 regarding copyright and patent laws. By previous consent, there will be up to 1 hour of debate on the bill, with the vote on passage expected to occur at approximately 3 p.m. There may be some slippage of time there. Some Members may be returning, I believe, from West Virginia. It could be 3:15.

The Senate could also consider the Paul Coverdell Peace Corps bill and the small business advocacy bill during this week's session, as well as any executive nominations that are available.

I yield the floor.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 322 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TAX RELIEF

Mr. SANTORUM. Mr. President, I understand my colleague from Wyoming was talking today about the President's proposal on tax relief. I have been watching a little bit of the debate on the floor of the Senate. I have to say, this debate is somewhat disturbing.

We have been discussing taking some of the money people have worked hard to earn and have sent here to Washington—and we have a surplus of money coming here now; we have a tax surplus for which people have worked hard, they have earned it, they have sent it to Washington, and we have enough money to pay for all the bills we have right now—and now we are talking about how can we take some of this money that people worked hard to earn and return it to them.

In the discussion and debate we hear some saying that people who are paying less in taxes are going to get less money back in real dollars than people who pay a lot more in taxes are going to get back and that somehow is unfair. For example, if somebody who pays $200 in income taxes is going to get tax relief of $200—in other words, many people under the proposal being put forward are going to simply have all of their tax liability eliminated. If they are paying $200 in taxes and they are going to get $200 in tax relief while someone who pays $300,000 in taxes is going to get $30,000 in tax relief, somehow or another that is unfair; it is unfair that this one person who is a hard-working person is only going to get $200 under this proposal and some fat cat is going to get $30,000, and that is unfair.

So we see pictures: Here is what the fat cat is going to get, here is what the poor working person is going to get, and that is not fair. Except for the fact, if you step back and say, wait a minute, how much is this person who is paying a lot of taxes—how much are they paying and what is their relief versus what someone who has a lower income is paying and what is their relief? If we were going to balance this according to fairness as described by some, then there should be equal tax relief, even though there is not equal payment of taxes.

When a surplus is created because people have overpaid taxes and we want to relieve the tax burden on those who have overpaid, then I think fairness dictates we give tax relief to everybody who has contributed to the overpayment somewhat in proportion to what they have overpaid. That, to me, would be fair.

What would be unfair is for someone who pays $200 in taxes to get $20,000 in tax relief as opposed to someone who pays $300,000 in taxes to get $300 in tax relief. Some would suggest that is fair. I suggest that is typical Washington wealth redistribution because we know who the more deserving are here in Washington.

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

What we are putting forward is as fair as we could possibly do it. In fact, if you look at the numbers, the top income earners and the top taxpayers in this country are going to end up with an increased burden of taxes. If you look at all the people paying taxes and whose share of the tax burden is going to go up after this proposal if it is passed as the President suggested, the tax burden on the higher income people will actually go up relative to everybody else.

Some would argue that is unfair. Some would argue that we are not giving enough tax relief to those who are higher income to keep the distribution of who pays taxes the same. But we are shifting the distribution to higher income.

We are going to hear lots of arguments about fairness. I always use this example—I think it is the best example—between what we are trying to accomplish and what some on the other side would suggest is fair.

I use the example of people who buy tickets to a baseball game. You pay and the game gets rained out. It is the last game of the year, so they have to refund your money. There are people who paid different prices for different seats in the baseball stadium. Some paid for the seats right down in front, maybe $25 a ticket. Then you paid for some up here in the loge boxes, maybe $15 a ticket. And then there are some folks up here in the outfield and they paid $5 a ticket. The game got rained out. So what do the owners of the baseball team have to do? They have to refund your money. You have overpaid. But you didn't get what you were promised. You overpaid. Get your money back.

What I would suggest as fair is, people who pay the $25 get $25 back, people who pay the $15 get $15 back, and people who pay $5 get $5 back. The guy outside who just happened to be driving by and didn't buy a ticket does not get any.

To some on the other side of the aisle, here is what they believe is fair. The guy who paid $25 gets $5; because he obviously can afford $25, he doesn't need all of the money returned. It is the guy up there who paid $5 who probably needs more money, and not only are we going to give him $5 but we are going to give him $15 back. The guy in the middle who paid $15, we will give him $15. We feel so bad about the guy outside who didn't get a chance to pay and come in that we are going to give him some money, too.

Is that fair? No. I do not know of an owner of a baseball team who could get away with something like that. It is patently unfair to do it that way. I think most Americans would agree that is fundamentally unfair. That is what we were talking about. For people who have paid a tremendous amount of money for which they have worked hard, we are suggesting they get back somewhat in proportion to what they paid as well as everybody else.

In fact, we are not suggesting that. We are suggesting they not get back quite as much proportionately, but we do in fact shift it. If you are going to take the example of the baseball stadium, instead of giving $25 back, they get $20 back. The guy paying $15 maybe gets $17 back, and the guy up here, instead of getting $5 back, may get $8 or $10 back.

There are those who would suggest that is unfair. I would suggest that is more than fair. For the folks who are paying the $25 for the ticket, some would suggest it is unfair to them. It is more disturbing if we look at the underlying motive behind this discussion. It really is a discussion that I think is not really worthy of us in Congress; that is, this idea of class warfare; that somehow or another, if you have worked hard and you have been successful starting a business or creating a company, if you have tremendous capital talent as a great singer or a great athlete—whatever the case may be—and you have been successful financially, somehow or another that is bad and you should be punished and should be paying exorbitantly more than people who have not been as successful.

Obviously, there is a small group of people who are very wealthy in this country. It is very small—about 4 percent. It is a lot more popular to go out and argue for the folks who are in the middle class, the large majority of Americans. We say: We are for you, and we are going to give you more money in this tax relief. Under the Bush proposal, they get proportionately more money. But somehow they argue they are undeserving: They pay the vast majority of taxes, but they need to pay more, and they don't deserve relief because they have money. I don't think that is necessarily an enobling argument.

I think the argument President Bush puts forth that no one in America should pay more than one dollar out of every three to the Federal Government in taxes is a statement with which most Americans would agree. Right now, higher income individuals pay about 40 percent of every dollar they earn in Federal taxes, not to mention other taxes they have to pay. When we have a surplus and the surplus has been generated by the fact that a lot of people have overpaid their taxes, my feeling is, what is unfair if you give every taxpayer tax relief?

To the extent we can, yes, we should help others. There are going to be proposals you are going to see considered to give people relief who didn't get in the stadium and pay for the ticket. They will get some relief, if you will. Even though they did not pay, they are going to get some money out of this. Why? Because we want to create more opportunity for people so someday they get inside the stadium.

We would like everybody to pay taxes in the sense that everybody would be economically successful, and enough that they would be in a tax bracket that would require it. We are about providing opportunities. We are also about fairness. I think that dictates that we provide tax relief across the board to those who pay.

The other thing we should think about when we put a tax bill together is: What are we trying to accomplish? What is the goal? Obviously, as I stated before, we have too much money. I would like to get it out of Washington before we spend it.

There are those of us who come to the floor year after year to say if we don't give tax relief, and if we don't get this money out of Washington, rest assuredly it will be spent. Just at the end of last year, we added to the 10-year budget of the United States $600 billion in new spending. I did not hear a word from those who now say we don't need tax relief and who have suggested we were spending the surplus that we didn't have. We hear a lot of people say we can't do tax relief because we don't know that the surplus is going to be there and therefore we shouldn't commit ourselves to this relief. They did not make that complaint when we were talking about spending the $600 billion surplus that we didn't have last year.

I argue that if the money stays in Washington and we don't provide tax relief, the money will be spent, as sure as anything I can promise. It will be spent if it sits on the table. We just can't help ourselves. I think it is important to get that money back out. Why would we want to do that other than just do it so we don't spend it?

We have heard lots of reports about what the economy looks like now and in the future. We have had an unprecedented string of years of economic growth. But I think it is important, as several other economists said—and Alan Greenspan—that in the future to avoid an economic slowdown we have lower rates of taxation and more money in the economy for investment and job creation.

By the way, who is creating the jobs? We have heard many times some of my colleagues on the other side of the aisle talking about not having to provide tax relief for higher income individuals. But who creates the jobs? The employer. They seem to like employees but hate employers. I do not know of too many employees who find jobs if there are not employers. Providing tax relief to people who will take that income and go out, as some have suggested, and buy a Lexus—if you are earning $2 million or $3 million a year, you already have a Lexus, if you want one. But they will go out and take that money and invest it to create jobs, and create opportunities so we can take

some of those people outside the stadium who didn't have the chance to buy the ticket and give them a job so they can become taxpayers.

It is important not just to get the money out of Washington, but it is also vitally important to help our economy and create economic opportunities for people who need economic opportunities down the road.

There are some other things we need to do, again in the name of fairness. There is a lot of discussion about fairness. The President's proposal is that we have marriage penalty relief. It is unconscionable that on Valentine's Day there are people in America who will get married and, by virtue of the fact that they get married, have to pay more in income taxes. At a time when we want to encourage marriage through the Tax Code, we penalize it. That is unconscionable and unfair. Under the President's proposal, we go a long way to eliminating that marriage penalty.

Mr. President, death should not be a taxable event, but it is. What we are suggesting is that over a 10-year period of time we phase out estate taxes on people who die. I think most Americans would agree that if someone has a piece of property and they die and pass it on to the next generation, when that next generation sells the property, they should be taxed on the capital gains. But if in fact the person dies, it should not be a taxable event on the next generation. The greatest impact of that is on the family farm, the small business man or business woman when they want to pass that business on to the next generation after they die. They have to sell the farm or the business so they can pay the taxes that are due.

Whom does that hurt? Obviously, it hurts the businessperson. But how about the people who work for that business, where that business has to go out of business simply to pay taxes or where the business has to be sold simply to pay taxes.

So, again, it is the old story. Most Americans realize this. When you stand up here and say: ''We are going to go after and get the rich, we are going to make sure they pay even more and more and more taxes,'' ultimately who gets hurt is the people at the bottom and the middle because they do not get the quality jobs or they do not get the kind of strong economy that makes for a better quality of life.

So I think what we are talking about here is tax relief for every taxpayer. Some suggest that is not fair. I would suggest that is the only fair way to do it; when you have a tax surplus, you give it back in proportion to how much the people paid. That, to me, would be fair.

If you think your job is to not be fair but to redistribute wealth—that is the object here, to redistribute the wealth based upon who we believe, in Washington, are more deserving. Let's be clear about it; that is what we are doing. We are saying some people are more deserving than others, and we are going to choose to take some people who worked hard, earned this money, sent it to Washington—we are going to take their money and give it to other people because we believe that is fair. We do a lot of that already. But now we are suggesting, because there is an overpayment, here is an opportunity to do more of that.

I argue that is not what we should take advantage of. We should take the opportunity to create an across-the-board, fair tax reduction for every working American, every taxpayer.

So that is what the debate is going to be about. I hope we will look at the underlying policy of why we are trying to do this, not just here is how much X gets and here is how much Y gets but look at the underlying policy: Are we trying to pass tax relief that is going to accomplish economic growth? If so, how do we best do that? Let's have a discussion about that.

Are we trying to eliminate provisions in the Tax Code that are unfair, such as the marriage penalty and the death tax? I argue that the alternative minimum tax has become unfair on a lot of middle class, working Americans who now have to pay that tax.

If we look at it and we take it a step at a time, we will deal with the fairness issue. Let's take care of that issue, and then let's try to do something across the board that does something for economic growth; we must have as part of our agenda not just fairness but growth because the ultimate equalizer, if you will, the ultimate creator of opportunity, is economic growth.

I believe that unless we do something to create a tax system that enables more economic growth in the future, then a lot of folks to whom we are going to shift a little money—as some suggest, that you take from higher income and give it to lower income—they are going to find themselves either in lower paying jobs down the road or with no jobs. That is not a good result for anybody.

So again, let's keep our eye on the ball. Yes, get the money out of Washington; yes, provide some tax fairness; but also, let's make sure we do a tax reduction that is going to result in a growing economy over the long term. That, to me, dictates, as Alan Greenspan said yesterday, a rate reduction. The best way to assure economic growth is an across-the-board rate reduction.

So if what we care about is avoiding a deep recession or a recession altogether in the next 3 or 4 or 5 years, the best way to accomplish that is a rate reduction for all taxpayers.

One other point. Some have mentioned what we are talking about here is Federal income taxes: You have a lot of taxpayers who have to pay FICA taxes and Medicare taxes, and they are not getting any tax relief.

I would make two comments on that. No. 1, FICA taxes or Social Security taxes, when they are paid, obviously, fund a program, the Social Security program, or the Medicare program in the case of Medicare taxes. But they also make you eligible for a benefit. The benefit is so structured today where lower income individuals get a much higher percentage benefit than higher income individuals. So the program is already structured, No. 1, that you pay the tax to assure a benefit down the road.

So it is not like income taxes, where you just sort of pay the tax and it goes to the general welfare. But this actually earns you, if you will, a particular benefit. It is the same with Medicare. So you are getting something directly for you for the dollars you are contributing.

Secondly, we are paying too much in Social Security taxes now. We have a surplus. Some of us have argued—and I will continue to argue—instead of bidding up what I consider to be a phony surplus, with just basically IOUs in the Social Security trust fund, which are future obligations for taxpayers, and nothing more than that, I would suggest we take this surplus and allow younger workers to invest that money, to create real opportunities for them so they can have real money, real assets that can pay real benefits 20, 30, 40 years from now, instead of creating IOUs which are simply a claim on their children's taxes 30 years from now or 40 years from now. And that would not be a real economic asset; it would simply be a real economic obligation of future generations.

I argue that the better way to accomplish that, instead of overtaxing current workers, which we do with Social Security and Medicare—I am going to focus on Social Security right now—instead of overtaxing Social Security payers, people who pay Social Security taxes today, let's give them the opportunity of setting that money aside, investing it over the long term, accumulating assets, and then using that real asset—a real economic asset—to come back 30 years from now to help pay for those benefits. That would be instead of, in a sense, putting that IOU away.

I will use this as an example. I think it is a good example. I went to a group of high school students the other day, and I asked: How many of you out here work? About half the hands went up. I asked: Where do you work? One kid said: Burger King. I said: Right now you work at Burger King, and you have to pay Social Security taxes. And 12.4 percent is what the Social Security tax is. You pay 12.4 percent, but all that money does not go to pay benefits. That is what it traditionally has done.

All the money would go right out to pay benefits. But in this case, you are paying more than you need to.

You only need to pay a little over 10 percent to pay for current beneficiaries. Money comes in, goes out to beneficiaries, but we have a surplus, a little over 2 percent. So you pay more than you need to now. So we are taking more money out of your paycheck than we need.

What do we do with that surplus money in Social Security? Social Security has cash. Can Social Security hold cash? It would be a smart thing for them to do. No. They have to invest that money. Where do you think they invest the money? Treasury bonds. What are Treasury bonds? Debt of the Federal Government.

So Social Security gives money to the general fund, and the general fund puts a note back into Social Security. It is an IOU. It is a Treasury bond that pays interest.

Now let's talk about that 18-year-old 30 years from now. Thirty years from now, that 18-year-old is still paying taxes. He is 48 years old. Then, instead of having a surplus in Social Security, we have a deficit. So then what we will have to do is raise Federal taxes because we will have to start repaying those bonds. We have to put the money back into Social Security.

So what are we going to have to do? Thirty years from now, we are going to go to that person who paid too much in taxes in the first place to create the IOU, and now we are going to have to increase their taxes so they can pay back the IOU they created by paying too much taxes in the first place. So they get to pay twice for this benefit. That is not fair.

So I think we do need to create personal retirement accounts. That is one way we can solve the problem of Social Security taxes.

The Senator from Colorado is here, and I am happy to yield the floor to him.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Pennsylvania for yielding and certainly appreciate his hard work and dedication on the issue of taxes. I served with him in the House and now serve with him in the Senate. He is certainly a great American.

I understand that we are moving into time controlled by Senator BOND and Senator COLLINS. I have a number of points I want to make in relation to national defense. I would like to yield to my colleague from Missouri to visit with him a little bit on how he plans to manage the time and what his plans are.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

(The remarks of Mr. BOND and Mr. ALLARD pertaining to the introduction of S. 336 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

NATIONAL DEFENSE

Mr. ALLARD. Mr. President, I rise today to talk about our national security and defense. This is the week the President has decided to emphasize defense. I will take a moment to review briefly where we are as far as the National Missile Defense Program is concerned. Before I do that, I will lay out a few things for the record.

First, this week the President has decided to talk about quality of life. He has emphasized the fact that soldiers enlist, but families reenlist, trying to address the problems we have with retention in our military services. I wholeheartedly agree with him in his efforts. He has made tremendous strides in that direction, when he says he will go ahead and try to promote the idea that we need to have a military pay raise, renovate standard housing, improve military training, and review overseas deployments to reduce family separations.

The President also has recognized the concept of a citizen soldier. I can relate to that. I like to think of myself as a citizen legislator. These are individuals who have regular jobs but take a spell from those jobs to serve our country. That is our National Guard and Reserve troops, and States play an important role. The National Government plays an important role to make sure these citizen soldiers are readily available in time of national emergency to serve our country and its defense.

The third item he has talked about is the transformation of the military to a stronger, more agile, modern military, which has both stealth and speed.

I think we also need to rethink our vulnerabilities and the time to do it is now. We need to rethink our strength, and the time to do it is now, while we are transitioning from one administration to another. There is no doubt in my mind that for the last 8 years our defense structure in this country suffered intolerably. It is time we made very significant changes. I support the idea that we need to increase spending for defense.

As we look at our vulnerabilities and strengths, we certainly need to base our thinking on the new technology that we have and what the future is for the development of that new technology. We need to think about the future threat from potential adversaries. We need to work toward the idea of more peace and more freedom through renewed strength and renewed security. Based on all of that, we have to control the high ground. I think that is as true today as it was two or three centuries ago. Controlling the high ground is very important in the field of battle.

I am a strong proponent of looking at an enhanced role for space. We must think in terms of a space platform. By controlling that high ground, we would secure all our forces and secure our national defense system. I believe the technology is very close, where we can move forward with some very significant steps in enhancing, in a modern way, our defense systems in America.

I want to take a little time while I have the floor to review the background of our National Missile Defense System—a step in that direction—and review a little bit about where I see we are today.

First of all, on the National Missile Defense System, I think we ought to quit referring to it as the ''national'' missile defense system. I think we need to refer to it as our missile defense system and get away from the vagueness of trying to identify a theater missile defense system and a national missile defense system. I think, from a foreign relations standpoint, when we use the term ''national,'' it implies it is just for America. We are putting together a missile defense system, hopefully, that will secure world peace. I think we need to keep that in mind when we talk about what we are going to do to enhance our missile defense system.

In my discussion this morning on defense and the National Missile Defense System, I am just going to refer to it as the missile defense system.

Starting back in 1995, the Republican Congress consistently pressured the Clinton administration to make a commitment to deploy a national missile defense system. In 1995, then-President Clinton vetoed the Defense Authorization Act over its establishment of a national missile defense deployment policy.

Then, in 1998, the Rumsfeld report, now-Secretary of Defense Rumsfeld, said that a ballistic missile threat to the U.S. was ''broader, more mature and evolving more rapidly'' than the Intelligence Community had been reporting prior to that. The report also stated that:

> The warning times the U.S. can expect of new, threatening ballistic missile deployments are being reduced . . . the U.S. might well have little or no warning before operational deployment.

That is what our current Secretary of Defense was saying.

Then, in 1999, the National Intelligence Council warned that:

> The probability that a WMD armed missile will be used against the U.S. forces or interests is higher today than during most of the Cold War.

That was made in 1999 by the National Intelligence Council.

In 1999, finally, the President signed the National Missile Defense Act of 1999—referred to around here as the

Cochran bill—which requires deployment of a national missile defense system ''as soon as technologically possible.'' That is the key—''as soon as technologically possible.''

Even though the administration funded the National Missile Defense Acquisition Program, President Clinton never committed the United States to actual deployment. So in September of last year, 2000, President Clinton decided to defer a deployment decision to the next administration.

Having laid out that background, I want to talk about where we are today. The current missile defense system is preparing to deploy a single ground-based site in Alaska, with a threshold capacity of 20 interceptor missiles in fiscal years 2005–2006, and 100 interceptors in fiscal years 2007–2008. That is the current plan. This is referred to as the initial stage. This would be upgraded, and a second ground-based site would be deployed to deal with more complex and numerous threats in the fiscal year 2010–2011 timeframe.

This stand-alone, ground-based approach is inadequate really to satisfy U.S. global security requirements. Nonetheless, the most affordable and most effective path to a global ballistic missile defense system is to augment the current missile defense program rather than replace it.

Now, the current ground-based missile defense program has made significant technical progress and offers the earliest deployment options. Once this system is deployed, it will offer an ''open architecture.'' This is very important. It offers an ''open architecture'' that can be augmented with ground-based, sea-based, and/or space-based systems as they mature and are demonstrated. So we leave the door open for technological advances so we can build upon the structure we are initially going to lay out there.

I will reemphasize that this is a defense structure, not offensive; it is a defense system. Frankly, I don't understand the opposition from many of our allies to a system that is defensive in nature. I think they ultimately will share in that technology because it will assure that we have a safer world.

The key to deploying an effective missile defense architecture is a layered system that is deployed in phases. A top priority should be the prompt establishment of programs to develop the sea-based and then the space-based elements that can be added to the initial system when they are ready.

The sea-based missile defense elements should be based on the existing Navy Theater Wide (NTW) Theater Missile Defense Program. The NTW Program will need to be augmented, both in terms of funding and technical capability. The interceptor missiles are not sufficiently capable to perform the missile defense mission. Therefore, the Department of Defense should consider a phased approach to the NTW, which involves initial deployment of a system for long-range TMD and limited missile defense applications, and then upgrade to a more dedicated sea-based missile defense capability in the future.

The development of a strategy for dealing with the ABM Treaty is as important as the technical/architectural issues mentioned above. The United States will need to determine whether it wants to pursue modifications to the treaty or seek a completely new arrangement. Any effort at incrementally amending the treaty will involve many of the same problems the Clinton Administration experienced with Russia and our allies.

The current acquisition cost, including prior years, for the initial ground-based National Missile Defense system (with 100 interceptor missiles) is $20.3 billion. The average annual cost for R&D and Procurement is approximately $2.0–2.5 billion. Ballistic Missile Defense Organization is also recommending a significant increase to enhance its flight test program and its efforts to deal with counter-measures, which could increase the overall Missile Defense cost by several billion dollars. The Navy has estimated that an initial sea-based National Missile Defense capability could be deployed in 5–8 years for $4–6 billion; an intermediate capability could be deployed in 8–10 years for $7–10 billion; and a far-term capability, involving dedicated Missile Defense ships and missiles, could be deployed in 10–15 years for $13–16 billion. Note that the Navy estimates assume that the ground-based National Missile Defense infrastructure is in place. Without this infrastructure, the Navy would have to add radars, space-based sensors, battle management, and command and control to their cost estimates.

There are many issues before Congress and this administration concerning our missile defense system and they are the following:

We need to establish a policy for ballistic missile defense reflecting the current global security environment.

We need to illuminate the path ahead regarding the ABM Treaty.

We need to redefine the relationship between ballistic missile defense and strategic forces.

We need to establish a global missile defense as a new ballistic missile defense paradigm.

We need to deemphasize the distinction between national missile defense and theater missile defense.

We need an integrated missile defense architecture and operational concept.

We need to have a layered approach to ballistic missile defense starting with land, sea, and space in the future.

Our greatest challenge is overcoming 8 years of funding inadequacy. In the fiscal years 1994 through 1999, Secretary Cheney at that time envisioned $7 billion to $8 billion SDI budgets.

We have a great opportunity before us. I think most Americans like most of President Bush's major proposals. A Newsweek poll found 56 percent approved of his plan for a missile defense system.

Former Secretary of State Henry Kissinger said no President could allow a situation in which ''extinction of civilized life is one's only strategy.''

The New York Times reports today that Russian President Putin and Germany's Foreign Minister Fischer discussed the proposed American missile defense at a Kremlin meeting yesterday, ending 2 days of talks that Mr. Fischer said pointed to new Russian flexibility on the notion of a shield against rogue missiles. Mr. Fischer told reporters: ''In the end, I think Russia will accept negotiations.''

The Senate Armed Services Committee has met with the British foreign minister and discussed this. A nuclear missile defense will benefit the world. Only our aggressors, I believe, need fear our missile defense technology.

Robert L. Bartley says in today's Wall Street Journal: ''The deliberate vulnerability of 'mutual assured destruction' carries an appropriate acronym, MAD.''

In the end, with the cold war over, we should look beyond the cold war rules and to the unpredictable future and weapons of mass destruction.

I reemphasize that I believe we need to rethink our vulnerabilities and our strengths based on our new technology and based on the future threat from potential adversaries. Our goal should be more peace and more freedom through renewed strength and a renewed security, and we accomplish that by establishing control of the high-ground.

Technology is the key, and we need to be sure we are willing to put our dollars and our brain power behind the idea that we will move forward with a strong defense system which will, in the long run, assure continued world peace.

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

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PATIENT PROTECTION LEGISLATION

Mr. EDWARDS. Madam President, for too long the law has been on the side of HMO's and big insurance companies. It is time we give power back to patients and families and doctors. Nearly every one of us has had some

sort of bad experience with an HMO or an insurance company, either personally or through a family member or a friend. Sometimes the problems are frustrating, sometimes the problem is just red tape and bureaucracy, sometimes it is simply impersonal treatment.

Sometimes the problems are much more serious than that. Sometimes the problems are dangerous: when an HMO, for example, refuses to authorize a visit to a specialist or the nearest emergency room, or denies treatment that is desperately needed by a patient, or refuses to be held accountable for any of the decisions it makes. Americans have the right to expect that decisions about their health care and their family's health care will only be made by the patient, in consultation with physicians and family members, and that physicians will be able to help them make those decisions on the basis of the patient's best medical interests. Those decisions should not be made by HMOs and insurance companies concerned only about the bottom line.

That is why we need a Patients' Bill of Rights. That is why last week I joined Senator JOHN MCCAIN, along with a bipartisan group of Members of the House and the Senate, to introduce a bill that builds on the progress that has already been made in this Congress to pass a Patients' Bill of Rights.

The Bipartisan Patient Protection Act provides comprehensive patient protection for all Americans. It will, No. 1, guarantee access to specialists for all people who have private insurance, so that women, for example, can go directly to an OB/GYN or a child can go directly to a pediatrician for care. No. 2, it strengthens the right to go to an emergency room, to the ER, immediately after an emergency arises, without first having to be concerned about calling some 1–800 number and asking permission from an insurance company or an HMO.

When a family is involved in a medical emergency, the last thing they need to be worried about is calling the insurance company. They need to be able to do what is best for their family and go immediately to the emergency room that is closest to them. Our bill provides for that.

We also eliminate the gag rule. What we need to do is give doctors the ability to speak freely with their patients about the treatment options that ought to be considered by the patient. What we have done is prohibit clauses between insurance companies and doctors—the so-called ''gag rule''—that restrict doctors from talking to their patients about the various treatment options, and instead only allow doctors to talk about the cheapest treatment options. We prohibit that practice and prohibit gag rules.

Scope. Our bill covers every single American who has private insurance through an HMO or an insurance company. Some of my colleagues have argued, during the course of the debate about a real Patients' Bill of Rights, for a more limited approach. I do not agree. I believe every single American who has health insurance or receives coverage through an HMO deserves, and is entitled to, exactly the same rights. The same basic rights and freedoms that we provide for some people ought to be available for every single American who has HMO or health insurance coverage.

Make no mistake, in States like Texas where strong protections already exist under State law, the State's own efforts in this area should be respected. Under our bill, if the State law is comparable or more protective of patients than those we enact here in the Congress, State law will remain in effect.

In most cases, HMOs and other health care providers respect the decisions that are made by patients and doctors. This is usually not a problem. The people get the treatment they are entitled to, the treatment their doctor recommends, and they get better. But if the patient or the doctor believes that the quality of their health care may be at risk because of what the HMO is doing, because of some bureaucrats sitting behind a desk somewhere who decides that they know better what care or treatment the patient should receive, that they know better than the doctor or specialist who is taking care of the patient, then we need to provide some way for the patient to appeal that decision.

What we have done here is provide an alternative recourse whenever the HMO or insurance company decides that coverage for treatment should be denied. Under existing law, the HMO's decision is final. If the HMO, no matter what its reasoning for the decision is, decides that this care, this treatment—for example, that a sick child should not be able to go directly to a pediatric oncologist—the patient, the family, the child can do nothing. The HMO holds all the power. The law is completely on the side of the HMO and the insurance company, and patients are left totally defenseless.

What we are doing today, through this legislation, is putting accountability back into the system so that, like all other Americans, HMO's are held accountable for what they do.

As a first resort, patients are guaranteed both an internal and an external appeals process. If they go to an HMO and the HMO says that they won't pay for a particular treatment or a particular doctor, patients have a place to go to appeal. All patients will have a right to appeal treatment denials to an external review authority with outside medical experts, which is critical. The independence of the appeals process is crucial. We have provided for extensive protections to ensure that the independence is in fact there. Once the appeal is made and the independent board decides that coverage should have been provided, the decision is final and binding on the HMO or the insurance company.

As a matter of last resort—and I emphasize last resort—if the HMO has denied coverage, and the appeals process fails, the patients should have the ability to go to court.

I want to emphasize that the ability to go to court is a matter of absolute last resort. For example, in States such as Texas that have enacted legislation—about 3 years ago, Texas enacted legislation providing patients the right to go to court—experience has proven that actual litigation virtually never happens. It does not happen for a very practical reason: because, first of all, the HMO has to deny coverage; second, there is an internal review and appeal process; and third, there is an external appeal process to an independent body. So it is a very rare circumstance where anybody feels the need to go to court. In States such as Texas that have enacted patient protection legislation, there have been very few lawsuits filed.

What the Bipartisan Patient Protection Act does is ensure that medical judgment cases go to State court. The basic reasoning here is that if the HMO or the insurance company is making a medical judgment, if they make the decision that they are going to insert their judgment in the place of the physician or the health care provider, then normally those are cases that are decided in State court, under State law, using State standards. Our belief is that the HMO, if they are going to exercise medical judgment, if they are going to substitute their own judgment for the judgment of the doctor involved, ought to be subject to the same standards to which doctors are subject. If a case were brought against a doctor for exercising his or her medical judgment, that case would go to State court.

What we have provided here is simple: when the HMO steps in and inserts itself into the process of exercising medical judgment, their case goes to State court just as a medical negligence case would go to State court. We should not preempt State law. State law has traditionally controlled these kinds of cases. Under our bill, the law that the Governor at the time—now President Bush—enacted in Texas, the HMO protection law would be respected, as would HMO patient protection laws that exist all over the country. So essentially what we are doing in our legislation is deferring almost entirely to the oversight of medical judgment that has traditionally been regulated by State law.

I point out that the Judicial Conference of the United States has spoken on this issue. The Chief Justice of the United States, Chief Justice Rehnquist,

is the presiding officer of the Judicial Conference of the United States.

The Judicial Conference, through its executive committee, adopted the following position on February 10, 2000:

The Judicial Conference urges Congress to provide that in any managed care legislation agreed upon—

This is the legislation we are talking about today—

that State courts be the primary forum for the resolution of personal injury claims arising from the denial of health care benefits.

The Judicial Conference of the United States, a nonpartisan, nonpolitical body headed by the Chief Justice, decided that cases involving medical judgment should go to State court. These types of cases have been traditionally resolved in State court.

Federal courts, of course, are courts of limited jurisdiction. And these are not cases that should go to Federal court. Our bill does exactly what the Judicial Conference, headed by our Chief Justice, has recommended. It sends these cases to the place where they have traditionally been decided.

Contract cases, based solely on what the terms of the contract are—for example, if there were a provision requiring that insurance coverage be in place for 60 days before payment can be made for any particular treatment—if there were a dispute about whether 60 days had actually passed, or whether the coverage or the contract applies, that would be an interpretation of the contract and would go to Federal court. In those limited cases where there is a dispute about the actual language of the contract, those cases go to Federal court.

There are limitations contained in our bill about any recovery in Federal court. The basic structure here is simple: medical judgment cases, where the HMO is inserting its judgment for that of the health care provider, go to State court. Cases that have always traditionally been decided in State court go to State court, just as our Chief Justice in the Judicial Conference is recommending. The only cases that go to Federal court, a court of limited jurisdiction, are cases involving pure interpretation of the contract—cases that have historically been decided in Federal court under ERISA. So they essentially maintain the same bifurcation that the U.S. Supreme Court suggested.

We have included a balanced approach and imposed some limitations. Under our bill, there are no class actions. Appeals have to be exhausted, except for the very rare circumstance where the patient can show an immediate and irreparable harm. In all other cases, internal and external appeals have to be exhausted before a patient can go to court.

Third, the vast majority of cases go to State court and are therefore subject to whatever State court limitations apply. For example, the limitations that exist under State law in Texas would apply to cases that go to State court in Texas.

We are attempting to balance interests and create really meaningful and enforceable rights for the patient, giving the patient the ability to enforce those rights through an appeals process, and then, as a matter of absolute last resort—and as history has proven, it happens very rarely—giving them the right to take the HMO to state court, where these kinds of cases are traditionally decided.

We have debated this issue over and over on the floor of the Senate. Many Members of the Senate have been involved. Congressmen NORWOOD and DINGELL have led the effort on the House side in the debate. It is time for us to get past simply talking about this issue and debating the various parties' positions. Senator MCCAIN and I, along with others in support of this bill, are making an effort to resolve our differences and get this legislation enacted. It is time, finally, that we enact legislation that puts law on the side of the patients, on the side of families, and on the side of doctors, and not on the side of big HMOs and insurance companies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I ask unanimous consent to speak for up to 5 minutes.

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

FEBRUARY AS AMERICAN HEART MONTH

Mr. VOINOVICH. Madam President, I rise today to highlight February as American Heart Month, a designation that has stood since 1963 when Congress first recognized the need to focus national attention on cardiac health. I think it is particularly appropriate since it is Valentine's Day.

The theme of this year's Heart Month is one that resonates deeply with me: ''Be Prepared for Cardiac Emergencies.'' This theme is especially meaningful because on January 20, the day of the Presidential Inauguration, the Voinovich family almost lost one of its beloved members to sudden cardiac arrest.

Indeed, as the country welcomed the arrival of a new administration, I, like many of my colleagues, was looking forward to sharing this joyous occasion with family and friends. Tragically, our celebration was suddenly upended when Patricia Voinovich, my brother Vic's wife, was struck by sudden cardiac arrest. As she entered the Ohio Inaugural Ball, she crumpled to the ground without a pulse or respiration.

Sudden cardiac arrest—as the name imples—happens abruptly and without warning. It occurs when the heart's pumping chambers suddenly stop contracting effectively and as a result, the heart cannot pump blood.

Although it has received much less attention than heart attacks, sudden cardiac arrest is a major cause of death in the United States.

This usually fatal event causes brain damage or death within minutes if treatment is not received immediately, and is estimated to cause more than 220,000 deaths in the United States annually.

That is more than three lives every 7 minutes—more than 600 deaths a day. These deaths are largely attributed to the lack of preparedness and immediate accessible medical attention in the short window between the heart ceasing to pump and death.

Just as in most sudden cardiac arrests, with Pat there was no warning or indicating that she would be susceptible to such a sudden physical trauma. She was in good health. As a matter of fact, she had just been to the doctor and had a check up.

Even after the incident, doctors commented that her heart was undamaged and healthy. After she became stabilized, my family and I listened to the doctors at the George Washington University Hospital who informed us just how lucky Pat, Vic, and the rest of the family had been. I was told that when individuals are struck with sudden cardiac arrest, only a minuscule number, 5 percent, survive.

Fortunately, Pat had been blessed to be in a place where there was what the American Heart Association calls a strong chain of survival in place.

As a matter of fact, one of the doctors from George Washington University Hospital had been assigned to the convention center for the specific purpose of responding to an incident such as the one that occurred to my sister-in-law.

It was only 2 or 3 months before the inaugural ball that this equipment had been put in place at the convention center in anticipation that something like this could happen. I think all convention centers throughout the United States should have that equipment on board. I think all of us here in the Senate should feel very fortunate that because of Dr. FRIST, that kind of equipment is available to the floor of the Senate and the House and the corridors of the Capitol.

The chain of survival, developed by the American Heart Association, is a four-step process to saves lives from cardiovascular emergencies. The process includes early access to emergency medical services, early CPR, early defibrillation and early access to advanced cardiovascular care. Its goal is to minimize the time from the onset of symptoms to treatment.

Although I did not know it at the time, all of these factors were present

that night at the Ohio Inaugural Ball. Indeed, the American Heart Association estimates that if what they call a strong chain of survival is in place, the survival rate of sudden cardiac arrest would increase to upward of 20 percent, saving as many as 40,000 lives per year. Think of that—40,000 lives per year if that chain of survival exists.

As Pat lay there on the floor following her collapse, I can only thank God that this chain of survival was present and went into effect. Secret Service agents and an on-hand emergency physician came to her side almost immediately.

These Good Samaritans began administering CPR, as well as utilizing a life-saving machine called an automatic external defibrillator, also known as an AED. If it had not been for the grace of the Holy Spirit, the rapid response of Secret Service agents and the on-hand emergency physician and the presence of an AED, Pat almost certainly would not have survived.

The American Heart Association has been a longtime leader in educating the country in cardiovascular disease and the need for preparing for cardiac emergencies.

Unfortunately, many Americans do not realize the kind of education and training that the Heart Association can provide until after an emergency situation occurs. I have certainly become even more aware of their services in light of my family's situation.

Quite simply, being prepared for a cardiac emergency can and does save lives. It is my hope, that by focusing on this year's American Heart Month theme—''Be Prepared for Cardiac Emergencies''—we can save many thousands of lives, not only this year, but in years to come.

I encourage all Americans to participate in American Heart Month, and take the time to educate themselves so that they will be prepared and know what do when an emergency strikes.

For those of you who might be interested in how Pat is doing, she was in the hospital for 5 days. They inserted a defibrillator in her chest, so if she has another occurrence that defibrillator will respond to it.

My brother thanked me profusely for inviting him to the inauguration because he said Pat had this preexisting condition they did not know about, and if it had occurred somewhere else instead of the Convention Center, she would no longer be with us.

So we have a happy ending to what could have been a real tragedy for our family which, again, emphasizes that because of some folks out there who became involved in the chain of survival, she is now alive and well and able to take care of her family.

Thank you, Madam President.

Madam President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, are we in morning business?

The PRESIDING OFFICER. The time until 12 noon is under the control of the Democratic leader.

RECOGNIZING AMERICAN HEART MONTH

Mr. DORGAN. Madam President, I want to talk about two items today. The first deals with February being American Heart Month. Let me describe my interest in this issue.

Today, of course, is Valentine's Day. Most of us will receive some kind of valentine from someone that has a red heart on it and describes love and affection. It is a wonderful day for all of us.

The other symbol is the human heart, which is a symbol that relates to the American Heart Association, an organization I have worked with a great deal. And also, as I said, this is American Heart Month.

Robert Benchley once said: ''As for me, except for an occasional heart attack, I feel as young as I ever did,'' describing, of course, the devastation of the cardiac problems that people who suffer from heart disease have.

I want to talk, just for a moment, about that because we need to continue every day in every way to deal with this killer in our country. Heart disease is this country's number 1 killer. It is the leading cause of disability and the leading cause of death in our country.

Forty-one percent of the deaths in our country each year are caused by heart disease and other cardiovascular diseases, more than the next six leading causes of death combined. Cardiovascular disease and heart disease kill more women than the next 14 causes of death combined each year. That is 5.5 times more deaths than are caused by breast cancer.

How can we help fight heart disease? All of us work on a wide range of issues. I am very concerned about a wide range of diseases. I have held hearings on breast cancer in North Dakota. I have worked on diabetes especially with respect to Native Americans. But heart disease is a special passion for me. I lost a beautiful young daughter to heart disease some years ago, and I have another daughter who has a heart defect. I spend some amount of time visiting with cardiologists and visiting Children's Hospital talking about the human heart.

We know there is much more to be learned about heart disease. There is breathtaking and exciting research going on at the National Institutes of Health dealing with heart disease. I have been to the NIH and visited the researchers. What is happening there is remarkable. Congress is dramatically increasing the funding for research dealing with a wide range of diseases and inquiry into diseases at the National Institutes of Health. We have gone from $12 billion now to over $20 billion, and we are on a path to go to $24 billion in research at the National Institutes of Health.

I am pleased to have been one of those who stimulated that increase in the investment and research to uncover the mysteries of disease. To find ways to cure diseases and to prevent diseases—heart disease, cancer, so much more—is a remarkable undertaking, an outstanding and important investment for the country. How can we, however, as a Congress provide some focus to this issue of heart disease?

We have a Congressional Heart and Stroke Coalition that we founded in 1996. I am a co-chairman of that in the Senate and Senator FRIST, who is a former heart transplant surgeon, is the other co-chair. We have two co-chairs in the House of Representatives as well. We are active in a wide range of areas dealing with the issue of heart disease.

More than 600 Americans die every single day from cardiac arrest. That is the equivalent of two large jet airline crashes a day. But it is not headlines every day because it happens all the time, day after day, every day.

There is some good news, and that is that cardiac arrest can be reversed in a number of victims if it is treated within minutes by an electric shock. There is now something called an automatic external defibrillator, AED. The AEDs, which we have all seen on television programs where they are applying a shock to someone to restart their heart, used to be very large machines. Now they are portable, the size of a briefcase, easily usable by almost anyone, even myself. I was in Fargo, North Dakota, one day with the Fargo-Moorhead ambulance crew, and the emergency folks use these defibrillators, the portable briefcase size defibrillator. They showed me how to hook it up and how to use it.

Without having any experience at all, someone off the street can just hook up one of these portable defibrillators and use it without mistake or error to save lives. The question is, how can we now make these portable defibrillators easily accessible in public buildings all around the country, and other areas of public access, so they're available to help save lives when someone has a sudden cardiac arrest? That is what we are working on.

We have passed legislation to try to make these available in airplanes. We have passed legislation to try to move them around to make them available in public buildings. We should do much

more than that. They are affordable, easy to use, and can save lives. We ought to have these new portable defibrillators as common pieces of safety equipment in public buildings like fire extinguishers are now. It is achievable, and it is something we should do.

We also need to find ways to do more cholesterol screening. That also relates very much to cardiovascular disease. We know the identification of one of the major changeable risk factors for cardiovascular disease—that is, high levels of cholesterol—is not covered by Medicare. Clearly, we ought to cover those kinds of screenings under Medicare.

The American Heart Association recommends that all Americans over the age of 20 receive cholesterol screening at least once every five years. But when an American turns 65 and enters the Medicare program, their coverage for cholesterol screenings stops. That makes no sense. We have tried in recent years to improve the Medicare coverage of preventive services. We now cover screenings for breast, cervical, colorectal and prostate cancer, testing for loss of bone mass, diabetes monitoring, vaccinations for the flu, pneumonia, and hepatitis B. Now we must provide Medicare coverage for cholesterol screenings as well.

I intend to introduce legislation that would add this important benefit to the menu of preventive services already covered by Medicare. I have just mentioned also the substantial amount of new research going on at the National Institutes of Health.

I confess that my passion about this issue comes from my family's experience—in the first case, a tragic experience. In the second case, we hope for an experience that will show us the miracles of research that are coming from the National Institutes of Health that provide new treatments and new remedies and new cures for some of these illnesses, including heart disease. We hope this will offer my family good news in the future; not just my family, every family. Every family is touched and is acquainted in some way with this issue of heart disease. As I indicated, it is America's number 1 killer.

I have been pleased to work with the American Heart Association, a wonderful organization of volunteers all across this country that does extraordinary work. I will continue to work with them and work with the heart and stroke coalition in the Congress to see if we can't continue to make progress in battling this dreaded disease that takes so many lives in our country.

AIRLINE SERVICE

Mr. DORGAN. Madam President, I rise to speak for a moment about the airlines and the airline service in our country. Last weekend, the National Mediation Board released Northwest Airlines and one of its unions, called AMFA, from the mediation service that was going on.

Now we are under a 30-day march to a potential labor strike and therefore shutdown of airline service. It is not just Northwest Airlines. We have a United Airlines dispute in front of the National Mediation Board. We have a Delta Airlines dispute there, and an American Airlines dispute.

What has happened in recent years with the airlines, not just with respect to these labor issues, but with respect to the way the airlines have remade themselves since deregulation, is very troubling to me and should be very troubling to most of the traveling public in this country.

I mentioned earlier, today is Valentine's Day. I suggest for a moment that you might want to take a trip on Valentine's Day. If you want to go to Bismarck, ND—and if you say no because it is February, I would admonish you that Bismarck, ND, is a wonderful place and it is not all that cold in the winter—guess what the walk-up cost for a flight to Bismarck, ND, is—$1,687. But assume your sweetheart is very special and you decide, I am not going to go Bismarck. I am going to Paris, France. Do you know the fare you can find to Paris, France today? It is not $1,687. We have found walk-up fares to Paris, France, for $406; or Los Angeles, $510. So fly to Bismarck for $1,687 or Paris, France, for $406.

Ask yourself, what kind of a nutty scheme is this that these private companies have developed a pricing scheme that says: If you fly twice as far, we will charge you half as much. But if you fly half as far, we will charge you twice as much.

Using Bismarck again, if you have a hankering to see the largest cow on a hill overlooking New Salem, ND—the cow's name is Salem Sue, the world's largest cow—or to go to see Mickey Mouse at Disneyland in Los Angeles, you pay twice as much to go half as far to see the largest cow, or pay half as much to go twice as far to see Mickey Mouse. What kind of a nutty idea is that? Who on earth comes up with these pricing schemes? Deregulation comes up with pricing schemes that say, by the way, we are not going to regulate the airlines. They can compete aggressively between the big cities where a lot of people want to travel. That competition will drive down prices, and you have really nice prices among the large cities where people are traveling. Meanwhile, the rest of the folks get soaked with extraordinarily high prices and less service.

So what happened after deregulation is these major airlines decided they really liked each other a lot and started romancing each other and they merged. What used to be 11 airlines is now 7. They want to merge some more and they want to go from 7 to 3 airlines.

What happened through all these mergers? They retreated into the regional hubs, such as Minneapolis, Denver, Atlanta—you name it; they have retreated to regional hubs where one airline will control 50 percent, 70 percent, 80 percent of the hub traffic. The result is that a dominant airline controlling the hub traffic sets its own prices, and those prices are outrageous.

Now, here is the point: We now have outrageous prices for people in sparsely populated areas in the country. We have a system of deregulation in which the airlines have become unregulated monopolies in regional hubs, and now we have a circumstance where United decided it wants to buy USAir, and American wants to buy TWA because TWA is going to be in bankruptcy, and it has been there twice. Delta is talking about buying Continental, and Northwest will soon be involved in the mix. They want to condense this down to three big airline carriers. Now, that is not competition where I come from. That is kind of an economic cholesterol that clogs the economic veins of the free market system in this country. We need to stop that.

I am considering legislation that would set up a moratorium on airline mergers above a certain size for a couple years so we can take a breath and understand what this means to the American consumers. The answer of what it means to the American consumers is quite clear to me. Some are rewarded with lower fares—if you are in the large markets where there is competition, while others are paying extraordinary prices to fly in small markets where there is less service and higher prices.

United says it wants to buy USAir. That combination means a bigger company with more market control. American says TWA is failing and it wants to buy TWA. More market control. The TWA thing—if I might just describe the circumstance—is, in my judgment, byzantine. It was purchased by Carl Icahn in a hostile takeover in the 1980s. I said this is unhealthy to put an airline company into these hostile takeover wars, with junk bonds and everything. Guess what the problem with TWA is? At the moment, Mr. Icahn, after having been through two bankruptcies with TWA, has an agreement post bankruptcy to sell seats on TWA at a 45-percent discount from the lowest public fare. This Icahn-TWA deal, termed the ''caribou agreement,'' remains in effect through 2003. Mr. Icahn is vigorously contesting the bankruptcy proceeding because if the assets are sold, the company will cease to exist.

What kind of a deal is that when airlines become pawns in hostile takeovers and then you get sweetheart deals coming out of bankruptcy that impose that kind of burden on the back of TWA?

It doesn't look to me as though the public interest has been defined at all

in these machinations. The point is, when airlines have become bigger and bigger and have retreated into dominant hubs, if there is a strike or lockout and the airline ceases operating, it is not like it was 30 years ago when, if your airline shut down, you had other airlines. In North Dakota, we had five different companies flying jet airplanes into our State. Now we have one, and we just got a second recently with a regional jet.

The point is, when an airline shuts down now, when you have dominance in a certain hub, entire parts of the country will be left with no airline service at all. Those airlines and their employees have dramatically changed the circumstances of collective bargaining. There is someone else who must be at their table, and that is the American traveling public because their interests are at stake. A strike or lockout will affect their interests in a very dramatic way.

I wanted to make this point for a couple reasons. One, I think these proposed mergers fly directly in the face of public interest and ought not to be allowed. That is No. 1. We ought to stop this. We don't need to go to three airlines. That is, in my judgment, moving in the wrong direction. That is not in the public interest. We need more competition, not more concentration.

No. 2, and my final point, is when you have the kind of disputes that now exist before the National Mediation Board and the threatened disruptions of airline service, it will be devastating to the public and to this country's economy if you have entire regions with no air service at all. We went through a strike with the dominant carrier in our region about 2 and a half years ago and it was devastating. We can't let that happen again. There are four carriers with cases in front of the mediation board, one of which was just released. I say to those carriers and to the labor unions, because you have remade yourself in a different circumstance, with dominance in hubs all across this country, you have a different responsibility than you used to have in collective bargaining. You have a responsibility to the American public that didn't previously exist. This is not business as usual. There is another interest that must be seated at your table, and that is the public interest.

Understand that those of us in Congress, those who are strong supporters of businesses and strong supporters of unions, understand it is most important that we are supporters of the public interest, the people we represent, and supporters of the larger national interests in this country.

With what happened to the airline industry, the massive concentration and the critical dominance in regional hubs, these labor disputes are very troubling to me and to many others. They must not—I repeat—result in the shutdown of critically needed airline service to parts of this country that can ill afford to have that happen.

I say to the airlines and to the unions: Sit at that table and bargain. I am a big supporter of collective bargaining. Bargain and reach an agreement. Understand that the empty chair next to your discussion is a chair that represents the public interest, and that chair is not filled by someone who is sitting there as part of that discussion, but they are in that room overlooking those negotiations. Resolve these issues and keep that service from the company and its employees provided to the American people.

I hope my colleagues will join me in expressing loudly that having this country go to three major airline carriers is a step backward, not forward. It is a step toward concentration, not competition. It plugs the arteries of the free market system in a very unhealthy way for this country.

I will speak at a future time about concentration, and not just in the airline industry. I am concerned about what is happening in a range of industries in this country where there is concentration and antitrust behavior that ought to be troubling to the American people and this Congress.

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

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

The bill clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed for 12 minutes.

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

The Senator from Maine is recognized.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 326 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada.

CAPITOL VISITORS CENTER

Mr. REID. Mr. President, I can remember traveling home a day in July two and a half years ago when I learned on the radio that two Capitol policemen, Detective John Gibson and Officer Jacob Chestnut, had been murdered in the Capitol.

When there is a loss of life, it affects us all; but, these men were in the line of fire and prevented other people from being killed.

I also had a particular affinity toward Detective John Gibson because of the assistance he provided at a function when my wife took ill. He, in a very heroic fashion, exercised good judgment in helping with the medical problems my wife was experiencing. A short time after he gallantly helped my wife, he was murdered.

Furthermore, the deaths of Detective Gibson and Officer Chestnut were painful for me because I was a Capitol policeman. I put myself through law school working in the Capitol as a police officer.

The reason I mention these events is that I was stunned Monday to read that the visitors center that we as Members of the Senate and the House rushed forward to do something about following the murders of these two men was now grinding to, if not a halt, a slowdown. I rise today to express my serious concern and extreme disappointment with recent reports that construction of the much needed Capitol visitors center may fall further behind schedule. In fact, the way things have been going, we must ask ourselves if the project will ever be completed.

On the front page of Monday's edition of Roll Call, the Hill newspaper, the headline read: "Visitors Center Funds 'Lagging,' Officials Say $65 Million Short of Goal With Clock Ticking."

After all that has transpired, after all the statements we have heard on this floor and the floor of the House, I am ashamed we have found ourselves in this predicament. Any further delay in construction of the much needed Capitol visitors center must be prevented. We must take action as quickly as possible.

Every night I leave my office in the Capitol to go home, I exit through the memorial door. It is called the memorial door because there are two plaques on the wall commemorating Officer Chestnut and Detective Gibson. I see their faces each night as I walk out the door.

In response to these murders, many Members renewed our call for the construction of the visitors center which has been talked about for years. I can remember talking about this project when I was the chairman of the Legislative Branch Appropriations Committee. When I was chairman, we cleared the cars off the east front of the Capitol. There are very few automobiles out there now, but we did it, for security and the fact that it was an eyesore. Unfortunately, it's still an eyesore—that blacktop on the East side of the Capitol of the United States. The only superpower left in the world and we have an ugly blacktop out here. More important than the visual aspect, however, are the safety concerns. The reason Chestnut and Gibson were killed, in my opinion, is that they had no protection. A madman with a gun rushed through the door and shot Chestnut. Gibson valiantly came forward to protect a Member and others

from being shot, and he was killed. A visitors center would enhance safety for these fine men and women who guard us. Men and women who guard the the thousands of Americans who come to this building every day.

In addition to that, we always see people lined up out there on the east side of the Capitol waiting to get into the building. We see them during the spring and summer months. We see them during the fall months when school is out. Even during the winter months, they line up for blocks. People from all over America—from Nevada, Montana, Maine—come to Washington to visit the Capitol. They are forced—I say ''forced'' because there is no place else to go—to stand outside in the elements, whether it is raining, snowing, or 100 degrees, without the benefit of restrooms, a place to get something to eat, or a place to get something to drink. The Capitol visitors center would allow the Capitol Police to better protect themselves and all of us who come to this Capitol complex to work or to visit, and would also provide an indoor facility for visitors to stand in line, as well as a gift shop, a cafeteria, and a place for them to go to the bathroom.

We have authorized $100 million for the construction of this Capitol visitors center. It will cost, however, $265 million. After six different congressional committees exercised their jurisdiction, it was decided that we would sell $65 million worth of commemorative coins from the U.S. Mint, with the additional $100 million raised in the private sector. I have never thought the money should be raised in the private sector. If there were ever something that should be paid for by the government, it should be a visitors center to this Capitol.

I commend all of the donors who gave their time and money to raise the $35 million that has been raised to date. While I commend these people, however, I believe their noble efforts should never have been necessary in raising this money. The U.S. Capitol Building is the people's house. It is the seat of our government and the enduring symbol of this democracy, the greatest country in the history of the world. The Capitol is the seat of government for the greatest country in the history of the world.

As Senators and Representatives, we have been blessed with the incredible fortune of calling the Capitol the place where we work. I am disappointed that we, as caretakers of this people's house, have abrogated our responsibility by begging the private sector for funds to help build what I believe should remain a public institution. We have an obligation to fully fund the construction of the visitors center. We should do it right away—during this Congress.

I have conveyed this message to Senators BENNETT and DURBIN, the chairman and ranking member of the Subcommittee on Legislative Branch Appropriations, as well as to the full committee chairman, Senator STEVENS, and the ranking member, Senator BYRD.

I ask unanimous consent that the letter I have written to these Senators be printed in the RECORD following my remarks. I also ask unanimous consent that the article in Monday's edition of the Roll Call newspaper to which I referred be printed in the RECORD.

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

(See Exhibits 1 and 2.)

Mr. REID. I intend to continue my efforts to ensure that we provide the necessary funds as quickly as possible to prevent construction delays in the Capitol visitors center. It is important that we do this. It is important to this country. It is important to this institution. It is important to the people we serve.

EXHIBIT 1

U.S. SENATE,
Washington, DC, February 14, 2001.

Hon. ROBERT BENNETT,
Chairman, Subcommittee on Legislative Branch Appropriations, U.S. Capitol, Washington, DC.

Hon. RICHARD DURBIN,
Ranking Member, Subcommittee on Legislative Branch Appropriations, U.S. Capitol, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR DURBIN: I would like to express my serious concern and disappointment with recent reports that construction of the much needed Capitol Visitors Center may fall even further behind schedule. This would be an unfortunate development that we must prevent as quickly as possible.

In July 1998, following the murders of Officer Jacob Chestnut and Detective John Gibson, many Members of the House of Representatives and the Senate, including me, publicly recognized the sacrifices made by these two fine men. Many of us also renewed our call for the construction of a Capitol Visitors Center. The proposed Visitors Center would improve security and provide an indoor facility for visitors to stand in line, and would also include a gift shop, rest rooms and a cafeteria.

To date, Congress has authorized and appropriated $100 million for the construction of the Capitol Visitors Center. At a cost of approximately $265 million, however, that amount fell far short of the funds needed. As you know, following a series of delays caused by six different congressional committees exercising their jurisdiction over the project, it was decided that $65 million would be raised by the U.S. Mint through the sale of commemorative coins, with the additional $100 million raised by the Fund for the Capitol Visitors Center through private donations.

While I commend those donors and all who have generously contributed their time and money to raise private funds for the construction of the Capitol Visitors Center, I believe that their noble efforts should never have been necessary. The United States Capitol Building is the People's House. It is the seat of our government and the enduring symbol of our democracy. As Senators and Representatives, we have been blessed with the incredible fortune of calling the Capitol our place of employment. I am extremely disappointed that we, as caretakers of the People's House, have abrogated our responsibilities by begging the private sector for funds to help build what I believe is, and should remain, a public institution.

We have an obligation to fully fund the construction of the Capitol Visitors Center. As a Member of the Senate Appropriations Committee, I intend to continue my efforts to ensure that we provide the necessary funds, as quickly as possible, to prevent construction from falling even further behind schedule.

My best wishes to you,

Sincerely,

HARRY REID,
U.S. Senator.

EXHIBIT 2

[From Roll Call, Feb. 12, 2001]

VISITORS CENTER FUNDS ''LAGGING,'' OFFICIALS SAY

$65 MILLION SHORT OF GOAL WITH CLOCK TICKING

(By Lauren W. Whittington)

Amid concern that private fundraising efforts for the Capitol visitors center are ''lagging,'' some top officials associated with the project have begun looking into other funding options in order to keep it from falling behind schedule.

The Fund for the Capitol Visitors Center, a non-profit organization established by the Pew Charitable Trusts, has raised $35 million in private gifts thus far. That leaves it $65 million short of the $100 million it needs to raise by the end of the year.

''I think we've been aware now for a while that the fundraising [aspect] is lagging, and we have been thinking about different options,'' said an aide to one member of the Capitol Preservation Commission, the entity charged with overseeing the visitors center.

While the aide declined to discuss timeliness and what those specific options might be, the staffer said that using more taxpayers funds—a controversial idea—to supplement the project is ''certainly an option'' that is being discussed.

After two Capitol Police officers were shot and killed in the Capitol in July 1998, Congress appropriated $100 million in taxpayer funds for the visitors center with the idea that the funds would be matched by private donations.

Construction on the visitors center is set to begin in January 2002, and under federal law all funds used for the project must be collected before the first shovel goes into the ground.

Senior Congressional officials involved in the project are privately expressing concern that the money may not come soon enough.

''The Capitol is in desperate need of this visitors center, so we want it to stay on track, and we need to have the money by December 2001 for construction to begin on time,'' one CPC staffer said on the condition of anonymity. ''I think that everybody's dedicated to figuring out a way to keep it moving forward.''

After kicking off its campaign in April 2000 with an initial $35 million in pledged donations, including $10 million from the Bill and Melinda Gates Foundation, the fund has not publicly announced any further donations or fundraising totals.

''I think this really has been a much more difficult task than they thought it would be,'' said the aide to a CPC member. ''I do think they were very optimistic about what they could raise and it wasn't really reality.''

The first major addition to the Capitol since 1859, the visitors center is slated to cost $265 million and be completed by January 2005—just in time for the next presidential inauguration.

The price tag could increase by as much as $10 million if CPC members approve construction of a proposed tunnel that would connect the center with the Library of Congress.

Thus far, fundraising concerns have not affected the project's estimated start date, but that could change if funds are not collected by year's end.

''If we had to wait for the fundraising, potentially, yeah, it would need to be moved back, but I don't think that's in anybody's head right now,'' the CPC member's aide said. ''I think it's too soon to be talking about that.''

Former Rep. Vic Fazio (D–Calif.), who sits on the fund's board of directors, said the organization has donations ''in the pipeline,'' even though they are unable to publicly announce them.

''How much people will decide to give, if they decide to give, is something that's still being discussed,'' said Fazio, who championed the project when he was in the House. ''Nobody could have predicted, and we still couldn't tell you for sure how much money could be raised for such a purpose.''

Maria Titelman, president of the fund, said the organization is raising money, although she too was unable to release any estimates or talk publicly about possible donations.

''I think that we're very excited about where we're going,'' Titelman said. ''We're raising money as quickly as we can on an accelerated schedule. We'll get to our $100 million as soon as possible.''

The bulk of the remaining $65 million will be raised through the sale of commemorative coins. Funds raised from the sale of two bicentennial coins in the late 1980s have now reached $30 million, and the CPC expects to make another $5 million to $10 million from the sale of two coins set to be released by the U.S. Mint this spring.

For their part, Members and key staffers on both sides of the aisle remain committed to the project.

''The entire leadership and CPC remain very committed to this and very enthusiastic about it,'' said Ted Van Der Meid, an aide to Speaker Dennis Hastert (R-Ill.).

Van Der Meid also noted that last week's shooting incident at the White House ''reaffirms one of the main purposes for the visitors center.''

To assist with their efforts, the fund has hired outside fundraising consultants Wyatt Stewart & Associates and The Bonner Group. Also advising the fund is Steven Briganti, president and CEO of the foundation that funded the restoration and preservation of the Statue of Liberty and Ellis Island.

The fund's board of directors will hold its next meeting March 8, at which time it may have a better idea of monetary commitments from corporations.

''It's premature to make any statement about what we will be able to accomplish because there are a number of things being considered right now by a number of foundations,'' Fazio said. ''Whether or not we can get to the original goal, I think, remains to be seen. It's not going to be an easy task to do that.''

If the fund is not able to reach its initial goal, Fazio said, it will rely on more public money.

''I have not objected to the effort to raise private funds, and I've been part of that effort, but I certainly would hope that if we are only so successful at that, that we would then fall back on additional appropriations to make it happen,'' Fazio said. ''The most important thing is it not be something that is delayed or underdone.''

Former Sen. Dale Bumpers (D-Ark.), also a member of the board, said he has always favored Congress appropriating the funds needed to build the center.

''So far as this mixing of private and public money, I never have much liked that,'' Bumpers said in an interview last week. ''I thought if it was a good idea, we ought to fund it with public funds.''

Sen. Strom Thurmond (R-S.C.), co-chairman of the CPC, said in a prepared statement, ''At this time I feel that it would be premature to make any final decisions regarding the appropriation of additional funds for the Capitol visitors center. However, I recognize that because of the importance of this project, it is essential that we keep all of our options open.''

Sen. Bob Bennett (R-Utah), chairman of the Appropriations subcommittee on the legislative branch and a member of the CPC, said he would consider appropriating more money for the project if it was needed.

''I haven't given any thought to what happens if [the current fundraising framework] won't work,'' Bennett said. ''But if it becomes clear that it won't work, then I would take a look at an additional appropriation.''

However, Rep. John Mica (R-Fla.), a CPC member and one of the most vocal supporters of the visitors center to date, said he is against appropriating more taxpayer money.

''I don't think we need any more public money and particularly at this stage,'' Mica said. ''At some point if we have to beef up the private fundraising efforts or help assist them in any way, there's plenty of muscle power that can raise that money, particularly Members who unabashedly raised hundreds of millions for campaign efforts.''

Outside of revisiting the public funding debate, the CPC can also explore other private fundraising options because its agreement with the fund is not exclusive. The CPC could begin to accept private donations directly or it could set up another organization to raise private money for the project.

One thing that has been a roadblock for the fund's efforts thus far is the issue of public recognition.

From the outset, most Members of Congress have been adamantly opposed to the idea of naming portions of the visitors center after corporate sponsors, and the leadership and the fund have differed on the ways in which corporations can receive public recognition for the donations.

''This is too important a part of our history,'' Bumpers said. ''We're not going to name this the MCI visitors center or any of those things.''

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXPRESSING SYMPATHY FOR LOST LOVED ONES IN HAWAII

Mr. AKAKA. Mr. President, I express my sincerest sympathies to the families of those who have lost loved ones in two unrelated incidents involving the U.S. military in Hawaii during the past week.

On Friday afternoon, the U.S.S. *Greeneville* collided with the *Ehime Maru*, a Japanese fishing vessel. I join President Bush in expressing my regret to the people of Japan for this tragedy. My heart goes out to the families of the nine people who are still missing following this incident.

On Monday evening, two UH–60 Blackhawk helicopters crashed during a training exercise at the Kahuku Military Training Area, resulting in six deaths. My thoughts and prayers are with the families and units who are mourning the loss of their loved ones. I also wish a speedy recovery to those soldiers who are recovering from injuries sustained in this accident.

I am certain that the investigations into these incidents will be thorough and comprehensive. But my purpose today is not to question why these incidents occurred, but to express the genuine sadness and concern that I share with the people of Hawaii and the rest of the nation over these two unfortunate episodes.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Hawaii is recognized.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 329 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. AKAKA. 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. 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, what is the parliamentary situation?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, the distinguished chairman of the Senate Judiciary Committee, Mr. HATCH, is going to be coming over on a matter of ours. He is not here yet. I ask unanimous consent that I be able to proceed on a different subject as in morning business.

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

LESSONS TO BE LEARNED FROM THE WRONGFUL CONVICTION OF EARL WASHINGTON

Mr. LEAHY. Mr. President, I want to discuss the case of Earl Washington. Mr. Washington was released from custody Monday after more than 17 years in prison. In fact, of the 17 years in prison, 10 years of that were on death row. Virginia Governor James Gilmore pardoned Earl Washington on October 2, 2000, after some new DNA tests confirmed what earlier DNA tests had already shown—he was the wrong guy. They had the wrong person in prison on death row.

I mention this case as probably the most recent that we have seen in the press, but we have seen a shocking number of cases in the past 2 years in which inmates have been exonerated after long stays in prison, including more than 90 cases involving people who had been sentenced to death. Let me repeat that: more than 90 cases where people had been sentenced to death and they then found they had the wrong person.

Since Earl Washington was pardoned 4 months ago, six more condemned prisoners in four different States have had their convictions vacated through exonerating evidence: William Nieves, sentenced to death in Pennsylvania in 1994; Michael Graham and Albert Burrell, sentenced to death in Louisiana in 1987; Peter Limone and Joseph Salvati, sentenced to death in Massachusetts in 1968; and Frank Lee Smith, sentenced to death in Florida in 1986.

There have also been other recent exonerations of inmates who were not sentenced to death, but were serving long terms of imprisonment. Just last month, the State of Texas released Chris Ochoa from prison at the request of the local prosecutors. The prosecutors themselves asked that he be released. In 1989, Ochoa pled guilty to a rape-murder he did not commit. Somebody may ask: Why would you plead guilty to a rape and murder that you did not commit? Because the authorities said they were going to make sure he got a death sentence if he did not plead guilty to the crime.

DNA tests that were not available when he was arrested cleared Ochoa and his codefendant and implicated another man, who had previously confessed to the crime on several occasions.

Here is how bad this case was. Chris Ochoa was arrested. He knew he did not commit the crime, this rape-murder. But the police basically told him: We are going to have you executed if we go to trial. We are going to prove it. We will have you executed. Of course, you can plead guilty and we will spare you the death penalty. He did. But then, even though they had the man who actually committed this heinous crime, who kept confessing to it, they did not pay any attention to him because it was easier to just keep the wrong guy locked up.

Of course, when the DNA evidence came out—it was there in front of everybody—they said: Look, we have the wrong guy. This other person, the person who had confessed to it, is the right guy after all. Whoops, sorry about that. Well, we have only had you locked up for over a decade for a crime you did not commit.

We must identify the cracks in the system that allowed these injustices to occur. DNA is a central tool in this pursuit. It has already led to the exoneration of more than 80 people in this country, including Earl Washington and others who had been sentenced to death.

DNA testing has opened a window to give us a disturbing view of the defects of our criminal justice system. When DNA evidence exonerates a person such as Earl Washington, there is a unique opportunity to evaluate how the system failed that person, and perhaps even more importantly, to identify broader patterns of error and abuse.

If a plane falls from the sky and crashes, we investigate the causes. We try to learn from the tragedy so we can avoid similar tragedies in the future. We should do no less when a wrongfully convicted person walks off death row.

The justice system did not just fail Earl Washington; it crashed and burned. We have a lot to learn from this case. It highlights many of the problems we see over and over again in cases of wrongful conviction.

These are the basic facts of the Earl Washington case. In June of 1982, a young woman named Rebecca Williams was raped and murdered in Culpeper, VA. Nearly a year later, Earl Washington was arrested on an unrelated charge. Earlier that day, Washington had broken into the home of an elderly woman named Helen Weeks. But she surprised him. He hit her over the head with a chair and fled. At the time he was arrested, he was drunk and running wild through the woods.

Earl Washington suffers from mental retardation. He has an IQ of 69, which puts him in the bottom 2 percent of the population. Like a child, he tends to answer questions in whatever way he thinks will please his questioners. After his arrest, he ''confessed'' to pretty much every unsolved crime the police asked him about.

A police sergeant named Alan Cubbage later described the scene to the Washington Post. He got a call that day from the officers who were interrogating Earl Washington. He told the Post: ''It was almost like a big party. 'Come on down,''' they said, ''This guy is confessing to everything.''

He was confessing to crimes he could not possibly have committed. But whatever it was, when they asked him if he committed the crime, he said: ''Yes, sir.''

First, he confessed to the crime he had actually committed—breaking into Helen Weeks' home and hitting her over the head with a chair. That he did do. Then he confessed to raping her. Without any reason to suspect that Weeks had been raped, the officers interrogating Washington asked if he had raped her, and he gave the standard response, ''Yes, sir.''

On that basis alone, they charged him with rape. Well, then Helen Weeks came forward and said, ''Nobody raped me. I never told the police I had been raped. Nobody tried to rape me.'' And they kind of tiptoed into court and dropped the rape charge.

During that same interrogation session, Earl Washington went on to confess to four other unrelated crimes. Investigators later concluded that he could not have committed three of the crimes, in other words, that his confessions were wholly unreliable. Yet with virtually no evidence other than the remaining confession, he was charged and brought to trial for the fourth crime, the rape and murder of Rebecca Williams.

Earl Washington almost immediately retracted his confession to the Williams murder, and there were no fingerprints or blood linking him to the crime scene. But he was convicted, and the jury recommended execution. He was sentenced to death, his appeals were rejected, and he came within a few days of being electrocuted. The whole justice system failed him. But science eventually came to his rescue.

Mr. President, everybody who has been in law enforcement knows you get some people like Earl Washington, who are ready to confess to everything. When I was prosecuting cases, we had a man—he is no longer alive—who would read something in the paper, a horrendous crime, and he would immediately confess. Especially if it was cold weather, he would come to a warm police station and he would confess to everything. We could make up cases and he would confess.

Obviously, that is one level. But with Earl Washington it was entirely different. He had committed a crime. He had broken into a woman's house, and he had hit her with a chair. But he did not rape her. Nobody did. She said so herself. He certainly did not murder and rape the woman he was charged with murdering and raping. Somebody else did. But with no evidence at all, except for his confession, he was found guilty.

When Earl Washington was convicted in 1984, DNA testing was not available. By the early 1990s, DNA testing was available, although the technology has since improved, and tests done in 1993 and 1993—seven years ago—showed that Earl Washington did not rape Rebecca Williams.

Despite these test results, the state officials still thought he might be

guilty. Maybe there was somebody else involved. Maybe there were two people—notwithstanding the fact that the woman who was murdered, who had lived for a period of time after she was attacked, said very clearly that there was only one person.

So Earl Washington remained in prison. There was so much doubt—at least they did not execute him—they commuted his sentence to life in January of 1994. But he was not pardoned. He was given life in prison, but still for a crime that he did not commit and more and more of the authorities in the State knew he did not commit and DNA tests proved he did not commit.

One would think the courts would be interested in scientific evidence, especially of a prisoner's innocence. Normally you do not have to prove your innocence, but this was a case where he could prove his innocence. One might ask, couldn't he go to court with the new DNA evidence and ask for a new trial? The answer is no; Virginia has the shortest deadline in the country for going back to court with new evidence. It has to be submitted within 21 days of conviction. After that, the defendant is out of luck.

Earl Washington could not submit the evidence within 21 days of conviction for a very simple reason: The technology for DNA testing, at the time of his conviction, was not available. And of course by the time it became available a few years later, he was in a catch-22: I've got DNA evidence that proves I'm innocent. Sorry, 21 days went by a long time ago. But they didn't have DNA evidence within 21 days of my conviction. I know, it is a crying shame. Stay on death row.

Last year, a new and more precise DNA test reconfirmed what the earlier tests had shown: Earl Washington did not commit the crime for which he was sentenced to death. The tests pointed to another person who was already in prison for rape. So, 7 years after the initial DNA tests and more than 16 years after he was sentenced to be executed, Earl Washington was granted an absolute pardon for the rape and murder of Rebecca Williams, a rape and murder he never committed. After science had twice proven his innocence, the Commonwealth of Virginia finally acknowledged the truth.

That is not the end of the story. He then spent another 4 months in prison for his attack on Hazel Weeks. That is at least a crime he committed. He hit her with a chair in 1983. So now, 17 years later, he is finishing that sentence. People sentenced for similar crimes in Virginia are generally paroled after 7 to 10 years in prison. They made Earl Washington serve twice the time that others would serve the maximum possible time in prison. Having unjustly condemned him, the Commonwealth of Virginia compounded the injustice by keeping him in prison until two days ago, when he became entitled to mandatory parole. It is almost as if they were saying: How dare you be innocent of the other crime we convicted you of? How dare you prove us wrong? We will make you pay for it.

I had hoped to meet with Earl Washington after his release from prison. Congressman BOBBY SCOTT of Virginia wrote to the Virginia correctional authorities 2 weeks ago and sought permission for Earl Washington to travel to Capitol Hill Monday under the care and supervision of his attorneys. We thought it was important for the American people to hear firsthand an account of this injustice. A good justice system learns from its mistakes.

The last 17 years of Earl Washington's life have been one of the system's worst mistakes. We felt we owed it to Earl Washington and future Earl Washingtons to listen. The officials of the Commonwealth did not. They had a different view. They did not want Earl Washington to come here. They did not want him to come here even for a few hours, come that great distance from Virginia, which is 2 miles away. They didn't want him to come those extra 2 miles and tell the story.

This case reveals the dark side of a system that is not known for admitting its mistakes. I am not speaking only of the Commonwealth of Virginia. A whole lot of other States have been just as bad at admitting their mistakes.

In the Earl Washington case, state officials insisted on pursuing a death penalty charge despite having wholly unreliable evidence. They kept him in prison for years despite knowing he was falsely convicted. They kept him locked up, knowing he was falsely convicted. And then they would not even let him come here to Washington to tell the American people what happened.

We need to hear from such people like Earl Washington, not hide them from public view. The American justice system is about the search for the truth: the truth, the whole truth, and nothing but the truth. As a former prosecutor, I understand the importance of finality in criminal cases, but even more important than that is the commitment to the truth; that has to come first.

This case tells us we cannot sit back and assume prosecutors and courts will do the right thing when it comes to DNA evidence. It took Earl Washington years to convince prosecutors to do the very simple tests that would prove his innocence, and more time still to win his freedom.

Some States continue to stonewall on requests for DNA testing. They continue to hide behind time limits and procedural default rules to deny prisoners the opportunity to present DNA test results in court. They continue to destroy DNA evidence that could set innocent people free.

These practices must stop. I have long supported and I continue to support funding to ensure that law enforcement has access to DNA testing and all the other tools it needs to investigate and prosecute crime in our society. But if we as a society are committed to getting it right, and not just to getting a conviction, we need to make sure that DNA testing, and the ability to present DNA evidence to the courts, is also available to the defense. We should not pass up the promise of truth and justice for both sides of our adversarial system, and that promise is there in DNA evidence.

We must also understand this case shows why we should not allow the execution of the mentally retarded. As I noted in a floor statement last December, people with mental retardation are more prone to make false confessions simply to please their interrogators, and they are often unable to assist their lawyers in their own defense. Earl Washington confessed to no less than four serious felonies which he did not commit and could not have committed. We should join the overwhelming number of nations that do not allow the execution of the mentally retarded.

There are good things that may come out of this case. I know the Supreme Court of Virginia has proposed eliminating the 21-day rule, which prevented Earl Washington from getting a new trial based on the initial DNA tests in the early 1990s. That would be a good thing if it happens. But it would be just a start.

I urge us to go forward and pass the Innocence Protection Act, supported by both Republicans and Democrats in this body and in the other body. This legislation addresses several serious problems in the administration of capital punishment. Most urgently, the bill would afford greater access to DNA testing for convicted offenders and help states improve the quality of legal representation in their capital cases. It also proposes that the United States Congress speak as the conscience of the Nation in condemning the execution of the mentally retarded.

People of good conscience can and will disagree on the morality of the death penalty; but people of good conscience all share the same goal of preventing the execution of the innocent. People of good conscience should not disagree that the way the case of Earl Washington was handled over the past 17 years was unjust. It was completely unacceptable. We ought to find ways to make sure these kinds of things do not happen again.

INTELLECTUAL PROPERTY AND HIGH TECHNOLOGY TECHNICAL AMENDMENTS ACT OF 2001

The PRESIDING OFFICER (Mrs. LINCOLN). Under the previous order, the

hour of 2 p.m. having arrived, the Senate will now proceed to the consideration of S. 320, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 320) to make technical corrections in patent, copyright, and trademark laws.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate on the bill equally divided in the usual form.

The Senator from Utah.

Mr. HATCH. Madam President, I rise today to discuss S. 320, the Intellectual Property and High Technology Technical Amendments Act, which I have worked on with my distinguished colleague, the ranking member of the Judiciary Committee, Senator LEAHY. We have had a very productive relationship in the Judiciary Committee in the area of high technology and intellectual property. Our bipartisan cooperation has resulted in much good legislation that has helped American consumers and businesses and which has encouraged American innovation and creativity, including greater deployment of the Internet.

Some recent examples of our work include the following items:

The Satellite Home Viewer Improvement Act, which authorized the carriage of local television stations by satellite carriers, has brought local television to thousands across the country who might not have been able to get it before, and has brought competition in subscription television services to many others who before could only choose the local cable company. The passage last year of a loan guarantee program will help make the benefits of this law more widely available.

The Anticybersquatting Consumer Protection Act helps guard against fraudulent or pornographic websites that confuse, offend, or defraud unwitting online consumers who go to sites with famous business names only to find that someone else is using that trademarked name in bad faith under false pretenses. This law also helps protect the goodwill of American businesses that could be hurt by the bad faith misuse of their trademarked business name in ways that tarnish their name or undermine consumer confidence in their brands.

The American Inventor Protection Act is helping to further serve American innovators with more streamlined procedures at the United States Patent and Trademark Office, and better organizing the Office so that it will better serve its customers, American inventors. There are also protections for inventors from unscrupulous businesses that prey on small inventors who are not familiar with the procedures of obtaining a patent.

The Digital Millennium Copyright Act updated copyright law for the Internet, while striking a balance necessary to foster technological development and full deployment of the Internet. This law has set the groundwork for entertainment convergence on a single interactive platform where the consumer is king and can set his or her own schedule for news, information, entertainment, communication, and so on.

Well, Madam President, this is just a sampling of what we have achieved together. And it is a prelude to what we can do in the future.

Today, we are here to discuss S. 320, the Intellectual Property and High Technology Technical Amendments Act. S. 320 is a technical corrections bill to clean up some scrivener's errors that have crept into the U.S. Code in the patent, trademark, and copyright laws. We, the sponsors, believe it is to the benefit of smooth functioning of the law to clean up the Code to make it easier to use, and to more accurately reflect Congressional intent.

Specifically, the bill corrects typographical errors such as misspellings, dropped or erroneous cross-references or punctuation errors. It also makes consistent the titles of the U.S. Patent and Trademark Office and its officers. It also clarifies some unclear drafting in the Code on some procedural matters at the USPTO, such as making it clear that if foreign trademark applicants fail to designate a U.S. agent, the USPTO Commissioner is deemed to be that agent for delivery of documents regarding that application; and ensuring that no prior art effect will be given to foreign patents or patent applications unless they are published in English. It makes it easier for small inventors to sit on the USPTO Advisory Committee. These pro-American inventor policies are codified now in the law, but not clearly drafted. This bill makes them clearer.

All of these changes make the intellectual property laws of our country easier to use and understand for our constituents who invent, create, innovate and so serve our other citizens. It also makes the law clearer for those who use the inventions and creations of others. I believe there is no controversy about the provisions of this bill, and it clears the way for further Congressional action to foster the growth of our most innovative sector, our intellectual property sector.

With regard to that, Senator LEAHY and I are releasing today our joint High Technology and Intellectual Property legislative agenda.

I would like to mention some of the items on that agenda and discuss some of them briefly.

In the Internet Age, many basic questions need to be asked anew about the relationships between the artists and the media companies that market and distribute their product; about the rights of consumers and fans to use works in new ways and the ability of technology companies and other mediators to assist them in those uses; and about the accessibility of works to scholars, students, or others for legitimate purposes. We need to continue to think about how the copyright system applies in the Internet world, where some of the assumptions underpinning traditional copyright law may not be relevant, or need to be applied by a proper analogy. Are there ways to clarify the rights and responsibilities of artists, owners, consumers, and users of copyrighted works? How can we foster the continued convergence of information, entertainment, and communication services on a variety of platforms and devices that will make life more enjoyable and convenient? We need to encourage an open and competitive environment in the production and distribution of content on the Internet.

As the Internet's new digital medium continues to grow, we must ensure that consumers are confident that personally identifiable information which they submit electronically are afforded adequate levels of privacy protection. As consumer confidence in the security of their personal and financial information is enhanced, Internet users will be more willing to go online, make purchases over the Internet and generally provide personal information required by businesses and organizations over the Internet. At the same time, we must ensure that any initiatives have the least regulatory effect on the growth of e-commerce and on commercial free speech rights protected by the Constitution. We expect to examine the adequacy of Internet privacy protection and will, where necessary, advance reforms aimed at ensuring greater privacy protection.

For example, the Committee expects to examine the following:

(1) How are privacy concerns impacting the growth of e-commerce, in the financial services industry, in the insurance industry, in online retailing, etc., and the deployment of new technologies that could further the growth of, and consumer access to, the Internet?

(2) Does Congress need to amend criminal or civil rights laws to address consumer electronic privacy concerns?

(3) Does U.S. encryption policy negatively affect the growth of e-commerce?

(4) What is the impact of the European Union's Internet Privacy Directive on U.S. industry and e-commerce?

(5) Can Federal law enforcement, particularly civil rights enforcers, play a larger role in safeguarding the privacy concerns of Internet users?

(6) To what extent can web-sites and Government agencies track the Internet activities of individual users and what should be done to ensure greater protection of personally identifiable or financially sensitive data?

We would like to work toward reforms that can more fully deploy the Internet to make educational opportunities more widely available to students in remote locations, to life-long learners, and to enhance the educational experience of all students.

The Internet can bring new experiences to remote locations. My own home state of Utah has been experimenting with ways to bring the best possible educational experience to learners all across our state, some of whom live in remote rural areas, using wired technology. We would like to see how we can further support efforts to harness the communicative power of the wired world on behalf of students across the country.

Science is advancing rapidly and the challenge to the patent system of genetics, biotechnology, and business method patents are daunting. Whole new subject matter areas are being exploited, from patents on business methods from financial services to e-commerce tools on the Internet. Both the complexity and the sheer volume of patent applications are expanding exponentially. Recent Supreme Court decisions have once again posed the question of state government responsibility to respect and protect intellectual property rights. And I believe we need to review the Drug Price Competition and Patent Term Restoration Act of 1984 to ensure that its balanced goals continue to be met.

As many know, that act helped to create the modern generic drug industry. It has been estimated that it has largely saved consumers $10 billion every year since 1984. It is considered one of the most important consumer protection acts in the history of the country.

As the assignment of domain names transitions from a single company to a competitive, market-based system, we need to stay vigilant with regard to the significant antitrust and intellectual property ramifications this process holds for American businesses and consumers. We intend to build on our record of strengthening protection for online consumers by protecting the trademarks consumers rely on in cyberspace, while also encouraging the full range of positive interactions the Internet makes possible. I think the Internet can be a place of infinite variety while we continue to allow consumers to rely on brand names they know in the e-commerce context. The world-wide nature of the Internet also heightens the need for the United States to join international efforts to make worldwide intellectual property protection, including that of trademarks, more efficient and effective for Americans. In particular, I hope we can move ahead on the United States accession to the Madrid Protocol.

I have always maintained that proper and timely enforcement of federal antitrust laws can foster both competition and innovation, while minimizing the need for government regulation. This is an especially important paradigm for the Internet. We need to carefully think through the antitrust implications of Business-to-Business exchanges. We also need to consider carefully what remedies should be imposed in cases where antitrust violations do occur, notwithstanding the generally dynamic and competitive nature of Internet-related industries. We will also need to review the increasing legal tension in the high technology industry between intellectual property rights and antitrust laws. There has always been a tension here, but in the Internet world, we need to be careful that intellectual property or content power is not leveraged into distribution power, or otherwise used in anticompetitive ways. Furthermore, the Internet poses new questions about the competitive need to protect collections of data in a way that preserves incentives for the creation of databases without unduly hampering the free flow of information in anticompetitive ways.

Access to new ''broadband'' technologies is increasingly important for full deployment and enjoyment of the Internet. We will need to consider the countervailing rights and duties of local phone companies and cable companies, either of which may provide broadband services in a local area. Specifically, what rights of access to broadband lines should competitors have, and what right to content should competitive distribution services have?

The Internet is a radically new medium not just for commerce, but also for speech, broadcasting and advertising. As we analogize from traditional media such as broadcasting, we need to ask afresh what regulations make sense in this new medium, if any, and how do we cope with different media competing toward largely the same goal, but with differing rules?

In summary Madam President, this non-controversial technical corrections bill clears the way for an exciting agenda for the 107th Congress in the Judiciary Committee. I hope we can pass this bill today, and I look forward to working with my colleague from Vermont on this most interesting and ambitious agenda.

In fact, I enjoy working with him. We have worked together all these years, and I think maybe we can get more done this year than in the past. Hopefully, we can move these agendas forward in the best interest of all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, have the yeas and nays been ordered on S. 320?

The PRESIDING OFFICER. They have not been.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Madam President, I thank my good friend from Utah for his comments. He and I have been working closely on an agenda for the coming year for the Judiciary Committee. As always, the agenda will reflect not only the needs of the Senate, but the friendship that the two of us have had for well over 20 years.

I congratulate Senator HATCH for his continuing leadership in improving our copyright, trademark, and patent law. Our intellectual property laws are important engines for our economy, fueling the creative energy responsible for America's global leadership in the software, movie, music, and high-tech industries.

The bill we considered today contains amendments recommended to us by the Copyright Office. I commend the Register of Copyrights, Marybeth Peters, for the expertise she brings to her office and the assistance she brings to us. At the end of my statement, I ask that a letter from Marybeth Peters in support of this legislation be printed in the RECORD.

(See exhibit 1.)

Mr. LEAHY. Over the past years, Senator HATCH and I, and others on the Judiciary Committee, have worked constructively and productively together on intellectual property matters. Just in the last Congress, we were able to pass the Anticybersquatting Consumer Protection Act, the Patent Fee Integrity and Innovation Protection Act, the Trademarks Amendments Act, the Satellite Home Viewers Improvements Act, and the American Inventors Protection Act. These significant intellectual property matters were preceded by our work together forging a consensus on the Digital Millennium Copyright Act, the Copyright Term Extension Act, the PTO Reauthorization Act, the Trademark Law Treaty Implementation Act, and many others. We and the other members of the committee have worked to ensure that divisive partisanship stays clear of this important area.

The proof of what we in Congress can accomplish when we put partisan differences aside, roll up our sleeves, and do the hard work or crafting compromises is demonstrated by our record of legislative achievements on intellectual property matters.

I hope all Senators will look at what Senator HATCH and I have been able to do when we set aside partisan differences and make sure we do things that work.

This bill makes technical corrections to and various non-substantive changes in our intellectual property laws. Introduction and passage of this bill is a

good start for this Congress, but we must not lose sight of the other copyright, patent and trademark issues requiring our attention. The Senate Judiciary Committee has a full slate of intellectual property matters to consider. I am pleased to work on a bipartisan basis with the chairman on an agenda to provide the creators and inventors of copyrighted and patented works with the protection they may need in our global economy, while at the same time providing libraries, educational institutions, and other users with the clarity they need as to what constitutes fair use of such work.

We have to realize things have changed. There has been a lot in the press in the past couple days about the Ninth Circuit Court of Appeals decision in Napster. I suggest that if anyone thinks this is the end of the whole issue, they are mistaken.

It is clear that creators and owners of copyrighted property should have their copyrights protected, and they should certainly be compensated for their artistry and their work.

Those who distribute or produce copyrighted material, including movies, music, and books, have to realize their own business practices may well have to change and be a lot different. Profit margins may change, depending upon how it is done. Artists are not going to be beholden just to a few mega distributors. With the Internet, they are going to be able to work out their own way of distributing their material. They are going to be able to get themselves known if they want, even if it is by distributing their music, movies, or books for free.

It is a different world out there, but it is just one example of the kinds of issues we have to look at. Applying copyright principles to new situations should not be done just by court-made law which is imprecise, at best, because a court is limited to the factual situation before it rather than a full panoply of circumstances, but can be done here, recognizing we have a whole new way of doing things.

I remember when I was growing up in Montpelier, VT, my parents owned a small printing business. We used either moveable type or hot lead type. It was a laborious process. One thing I learned was not only to proofread in a hurry, but to read upside down and backward, as well as right side up and forward, because that is the way the letters work. It is a matter of consternation sometimes. People do not realize I am reading what is before me.

Now I look at the business, and there has been enormous change. It is less labor intensive in the setting up—it is not even type anymore, now it is offset. It changes the whole economy, but opens up a whole new world, all using different kinds of copyrighted material.

Among the things we should look at is protection from State infringement. In response to the Supreme Court's decisions in the Florida Prepaid and College Savings Bank cases, I introduced in the last Congress legislation to restore Federal protection for intellectual property to guard against infringement by the States.

This is a reaction to an activist U.S. Supreme Court which held that States and their institutions cannot be held liable for patent infringement and other violations of the Federal intellectual property laws, even though those same States can and do enjoy the full protection of those laws for themselves.

Basically, the Supreme Court—it seemed to me anyway—seems to be willing to rewrite the rule of law with regard to the Constitution, certainly when it comes to telling States what they cannot do. We know they are not hesitant to do that. The legislation I sponsored would condition a State's ability to obtain new intellectual property rights on its waiver of sovereign immunity in future intellectual property suits.

It would also improve the limited remedies available to enforce a nonwaiving State's obligations under Federal law and the U.S. Constitution. This is a critical area in which the Congress should act.

Then we have distance education. The Senate Judiciary Committee held a hearing in the last Congress on the Copyright Office's thorough and balanced report on copyright and digital distance education, something that can be very important to those of us from rural States where there may be small schools.

While the distinguished Presiding Officer has metropolitan areas in her State, she also has very rural areas. Schools in rural areas may not be able to hire the top math teacher, the top language teacher, or the top science teacher, even though all these may be needed, but three or four of them together can do so if they are connected in such a way that they can utilize this.

We need to address legislative recommendations outlined in the Copyright Office's report to ensure our laws permit the appropriate use of copyrighted works in valid distance learning activities. I know Senator HATCH shares my goal for the schools in this country, particularly in rural areas. We can use this technology to maximize the educational experiences of our children.

It is an important area for the Judiciary Committee to examine. Not everybody comes from large schools. I had about 30 in my high school graduating class. Interestingly, every 4 years, all 500 of those 30 students show up at my door saying they were a high school classmate; could they please have a ticket to the Presidential inauguration.

We have the Madrid Protocol Implementation Act. I introduced legislation in the last two Congresses to help American businesses, and especially small and medium-sized companies, protect their trademarks as they go into international markets. The legislation would do so by conforming American trademark application procedures to the terms of the Madrid protocol.

The Clinton administration transmitted the protocol to the Senate for its advise and consent last year. I regret we did not work on it promptly. I hope the new President will urge that action because ratification by the United States of this treaty would help create a one-stop international trademark registration process, an enormous benefit for American businesses.

Next we have business method patents. The PTO has been subject to criticism for granting patents for obvious routines which implement existing business methods. The patent reform law that Senator HATCH and I worked out in the last Congress addressed one aspect of this matter: The prior user defense at least protects those who previously practiced that particular art. We should hold a hearing and engage the PTO in a dialog about this important issue to find out what you do with initial patents.

Frankly, I find patenting electronic business practices not that far removed from the situation where two competing hardware stores in the spring put the seeds, the Rototillers, and whatnot out front and in the winter put the snowblowers out front. Should one be allowed to patent that process so in the summer its competitor would have to have its snowblowers out front and could not put out lawn items? I think not. That is what we are looking at, except now in a digital age.

The Organization for Economic Cooperation and Development criticized the PTO for granting overly broad biotechnology patent protections. This area, as well as the international protection of patent rights, warrants examination and careful monitoring.

Then we have the issue of rural satellite television and Internet service. It is important to the State of Vermont. It is important to every rural community. It is certainly important to mine. I live in a house where I cannot get any television. I used to joke that I would get one and a quarter. I do not even get the quarter anymore. I cannot get anything, but I can if I have satellite television, and I can get my Internet service the same way. Senator HATCH and I worked together to address this issue in the major Satellite Home Viewers Law passed last Congress.

We authorized a rural loan guarantee program to help facilitate deployment in rural areas. That law included a priority for loans that offered financing for high-speed Internet access. That is

a great tool in eliminating the digital divide between urban and rural America.

So we want to make sure that gets done and done right.

The job of this Congress is to ensure that the administration gets the job done so that those goals are met and the programs we have established are fully implemented.

The ninth circuit's ruling in the Napster case on Monday highlights the tensions between new online tools and services and protection of intellectual property rights. In the long term, where it counts the most, both sides—copyright holders and advocates for advances in new technology—can find victories in this ruling.

Nothing should stop the genius of a Shawn Fanning or those who come up with new online technologies like Napster.

While Napster customers may not initially see it that way, the availability of new music and other creative works—and its contributions to the vibrancy of our culture and in fueling our economy—depends on clearly understood and adequately enforced copyright protection. The Court of Appeals has sent the case back to the district court to ensure that the rights of creators are protected and that the online marketplace is just that, and not a free-for-all.

The exponential growth of Napster has proven that the Internet works well to distribute music, but this case is a warning that copyrights may not be ignored when new online services are deployed. The Internet can and must serve the needs not only of Internet users and innovators of new technologies, but also of artists, songwriters, performers and copyright holders. The Judiciary Committee should examine this issue closely to ensure that our laws are working well to meet all these needs.

Last Congress I introduced the Drug Competition Act of 2000, S. 2993, to give the Justice Department and the FTC the information they need to prevent anticompetitive practices which delay the availability of low-cost generic prescription drugs. I intend to re-introduce this bill soon and work with my colleagues to enact it this year to help assure that the availability of lower cost prescription drugs.

I noted upon passage of the Digital Millennium Copyright Act in 1998 that there was not enough time before the end of that Congress to give due consideration to the issue of database protection, and that I hoped the Senate Judiciary Committee would hold hearings and consider database protection legislation. Despite the passage of time, the Judiciary Committee has not yet held hearings on this issue.

I support legal protection against commercial misappropriation of collections of information, but am sensitive to the concerns raised by the libraries, certain educational institutions, and the scientific community. This is a complex and important matter that I look forward to considering in this Congress.

Product identification codes provide a means for manufacturers to track their goods, which can be important to protect consumers in case of defective, tainted, or harmful products and to implement product recalls. Defacing, removing, or tampering with product identification codes can thwart these tracking efforts, with potential safety consequences for American consumers. We should examine the scope of, and legislative solutions to remedy, this problem.

Senator HATCH and I worked together to pass cybersquatting legislation in the last Congress to protect registered trademarks online. This is an issue that has concerned me since the Congress passed the Federal Trademark Dilution Act of 1995, when I expressed my hope that the new law would ''help stem the use of deceptive Internet addresses taken by those who are choosing marks that are associated with the products and reputations of others.'' (CONGRESSIONAL RECORD, December 29, 1995, page S19312).

The Internet Corporation for Assigned Names and Numbers (I–CANN) has recently added new top-level domain names and is negotiating contracts with the new registries. Senator HATCH and I followed these developments closely and together wrote to then Secretary of Commerce Norman Mineta on December 15, 2000, for the Commerce Department's assurances that the introduction of the new TLDs be achieved in a manner that minimizes the abuses of trademark rights. The Judiciary Committee has an important oversight role to play in this area.

We also will need to pay careful attention to the increasing consolidation in the airline, telecommunications, petroleum, electric, agriculture, and other sectors of the economy to ensure that consumers are protected from anticompetitive practices. The Judiciary Committee has already held one hearing on airline consolidation in this Congress and I stand ready to work with my colleagues on legislation to address competition problems.

I have already joined with the Democratic leader and several of my colleagues on the Securing a Future for Independent Agriculture Act, S. 20, to address the growing serious problem of consolidation in the agriculture processing sector. In addition, we need to carefully monitor international efforts to harmonize competition law to ensure that American companies and consumers are fairly treated and that our antitrust policies are not weakened.

This bill represents a good start on the work before the Senate Judiciary Committee to update American intellectual property law to ensure that it serves to advance and protect American interests both here and abroad. The list of addititional copyright, patent, and trademark issues that require our attention shows that we have a lot more work to do.

EXHIBIT 1

REGISTER OF COPYRIGHTS,
LIBRARY OF CONGRESS,
Washington, DC, February 12, 2001.

Hon. PATRICK J. LEAHY,
U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR LEAHY: I understand that you will be sponsoring legislation in this Congress that will incorporate last year's proposed Copyright Technical Corrections Act of 2000, H.R. 5106.

The Copyright Office proposed the technical corrections that were included in H.R. 5106 to address some minor drafting errors in the Intellectual Property and Communications Omnibus Reform Act of 1999 and to correct some other technical discrepancies in Title 17. None of these proposed corrections are substantive.

I believe that it is important that the provisions of Title 17 be clear, and therefore I thank you for your leadership on this legislation and hope that you will be successful in obtaining its passage.

Sincerely,

MARYBETH PETERS,
Register of Copyrights.

Mr. HATCH. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 15 minutes 18 seconds.

Mr. HATCH. Madam President, I will tell everybody I do not intend to use that whole time. I will use part of it.

THE NINTH CIRCUIT DECISION IN THE NAPSTER CASE

Mr. HATCH. Madam President, I would like to take a few moments while we are on the subject of copyright law to address the Ninth Circuit Court of Appeals' long-awaited decision in the Napster case. I have been considering the opinion for the last few days, and it may be some time before all of us grasp its full implications. I believe the Judiciary Committee will need to hold hearings on the decision's possible implications and to get an update on developments in the online music market. I will consult with my ranking member and other interested parties, and will likely look into the matter in the coming weeks.

As I have considered the case over the last couple of days, I have been troubled by the possible practical problems that may arise from this decision. I am troubled as a strong supporter and prime author of much of our copyright law and intellectual property rights.

By ordering the lower court to impose a preliminary injunction—before a trial on the merits, mind you—on this service that had developed a community of over 50 million music fans, it could have the effect of shutting down Napster entirely, depriving more than

50 million consumers access to a music service they have enjoyed. The Napster community represents a huge consumer demand for the kind of online music services Napster, rightly or wrongly, has offered and, to date, the major record labels have been unable to satisfy. Now, I understand that the labels have been working hard to get offerings online, and I have seen some projects beginning recently. I have been promised consumer roll-outs this year. But these offerings have been slow in coming and have not been broadly deployed as of yet. I hope deployment will be speeded up to meet the unsatisfied demand that may be caused by interruptions in Napster service as the litigation continues through trial on the merits and appeals.

I am a longtime advocate of strong intellectual property laws. There is something in our legal system called copyright, and the principle underlying copyright is a sound one. I believe that artists Must be compensated for their creativity. And I believe that Napster as it currently operates, threatens this principle. I authored Digital Millennium Copyright Act, which has ensured that, as a general matter, copyright law should apply to the Internet. I am proud of my work in furtherance of that Act. I have mentioned Senator LEAHY in particular, and there others as well.

Yet, I also believe that the compensation principle underlying copyright can coexist—and has in fact coexisted—with society's evolving technologies for generations. And, in each case this coexistence has benefited both the copyright owner and the consumer, in what you might call an expansion of the pie, in other words.

So let's turn to the present controversy. It might be helpful to review some facts. In the span of about one and a half years, Napster has seen its client software downloaded more than 62 million times. Over 8 million people a day log onto the Napster service. At any one time there may be as many as 1.7 million people simultaneously using the service. It is, quite simply, a virtual community of unprecedented reach and scale. It is the most popular application in the history of the Internet and, I have to say, in the history of music.

It is also free and, unfortunately, according to the court, it is probably facilitating copyright infringement. The major labels, which account for over 80 percent of the CD's sold in this country, is rightly shaken by the Napster phenomenon. Although the industry saw its sales increase by 4.4 percent in the year 2000, it believes it would have sold more CD's had it not been for Napster. And the district court and Court of Appeals agreed with them. The labels have, as is their right under the laws—many of which I have authored—pursued legal redress through out judicial system. Were I in their shoes, I question whether I would have taken a different course of action.

Now the parties have brought their dispute to the point where the erosion of the copyright laws might be the frightening outcome.

I am particularly troubled because, if the popular Napster service, which has a relationship with one of the major record companies, Bertelsmann, is shut down, and no licensed online services exist to fill this consumer demand, I fear that this consumer demand will be filled by Napster clones, particularly ones like Gnutella or Freenet, which have no central server, and no central business office with which to negotiate a marketplace licensing arrangement. Such a development would further undermine the position of copyright law online, and the position of artists in the new digital world that the Internet is developing.

Furthermore, if past experience is any indication, I would expect that my colleagues, like me, will be contacted by the over 50 million Napster fans who oppose the injunction and fear the demise of Napster. This may prompt a legislative response. I know that people in Congress are weighing various legislative solutions, some intriguing, some troubling and counter to the pubic interest.

Some of these responses could strike the important intellectual property rights of artists and copyright owners online entirely, undoing the carefully balanced development I have tried to foster over the years, and possibly harming consumers as well as creators in the long run.

I guess my feeling about this Ninth Circuit decision is a gnawing concern that this legal victory for the record labels may prove pyrrhic or shortsighted from a policy perspective. Some have suggested that the labels merely wished to establish a legal precedent and then would be willing to work on negotiating licenses. Well, it seems to me that now might be a good time to get those deals done, for the good of music fans, and for the good of the copyright industries and the artists they represent.

I have long been an advocate for strong intellectual property rights protection and enforcement. I have urged the labels and composers and publishers working out synergistic arrangements with online music distributors and Internet technologist that will serve the artists and their audience. Such synergy is possible. I was pleased when Bertelsmann took the initiative in harnessing the consumer demand evidenced by Napster and decided to work cooperatively together to develop a service that would benefit both of them and those they seek to serve, the artists and music fans. I again urge the other major music industry players to take significant steps toward this end, and again, I think now is a good time to do it. I have recently discussed my views with some of the interested parties, and I believe there is some interest in working this out for the benefit of all parties, including consumers and creators. I stand ready, willing and able to try to help them in this matter.

Last July, the Committee held its first of two hearings on the subject. At this hearing, I was joined by my colleague and friend, the distinguished ranking member and former chairman of the Judiciary Committee, Senator LEAHY. The two of us encouraged a marketplace resolution to the Napster, and the other, digital music controversies.

I think working together in the marketplace cooperatively will lead to the best result for all parties, the record labels, the online music services, the artists and the music fans. I hope the focus will be on the latter two. After all, without artists, there is nothing to convey, and without the fans, there is no one to convey it to. I think keeping the focus on the artists and the audience can help the technologists and the copyright industries find a way for all to flourish. And I hope this opportunity is taken before it is lost.

I hope this opportunity is taken before it is lost. I wanted to make these remarks on the floor, and I hope we can resolve these problems in a way that benefits artists, consumers, publishers, and others who are interested in this matter. I think if we get together and work this out, it will be in the best interests of everybody.

I am prepared to yield my time.

Mr. LEAHY. Madam President, I yield whatever time remains.

Mr. HATCH. I yield my time as well. We can proceed.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER (Mr. THOMPSON). The bill having been read for the third time, the question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

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

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—98

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

NOT VOTING—2

Bunning	Crapo

The bill (S. 320) was passed, as follows:

S. 320

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 ''Intellectual Property and High Technology Technical Amendments Act of 2001''.

SEC. 2. OFFICERS AND EMPLOYEES.

(a) RENAMING OF OFFICERS.—(1) Title 35, United States Code, is amended—

(A) by striking ''Director'' each place it appears and inserting ''Commissioner''; and

(B) by striking ''Director's'' each place it appears and inserting ''Commissioner's''.

(2) The Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1051 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Commissioner''.

(3)(A) Title 35, United States Code, is amended by striking ''Commissioner for Patents'' each place it appears and inserting ''Assistant Commissioner for Patents''.

(B) Section 3(b)(2) of title 35, United States Code, is amended—

(i) in the paragraph heading, by striking ''COMMISSIONERS'' and inserting ''ASSISTANT COMMISSIONERS'';

(ii) in subparagraph (A), in the last sentence—

(I) by striking ''a Commissioner'' and inserting ''an Assistant Commissioner''; and

(II) by striking ''the Commissioner'' and inserting ''the Assistant Commissioner'';

(iii) in subparagraph (B)—

(I) by striking ''Commissioners'' each place it appears and inserting ''Assistant Commissioners'';

(II) by striking ''Commissioners'' each place it appears and inserting ''Assistant Commissioners''; and

(iv) in subparagraph (C), by striking ''Commissioners'' and inserting ''Assistant Commissioners''.

(C) Section 3(f) of title 35, United States Code, is amended in paragraphs (2) and (3), by striking ''the Commissioner'' each place it appears and inserting ''the Assistant Commissioner''.

(D) Section 13 of title 35, United States Code, is amended—

(i) by striking ''Commissioner of'' each place it appears and inserting ''Assistant Commissioner for''; and

(ii) by striking ''Commissioners'' and inserting ''Assistant Commissioners''.

(E) Chapter 17 of title 35, United States Code, is amended by striking ''Commissioner of Patents'' each place it appears and inserting ''Assistant Commissioner for Patents''.

(F) Section 297 of title 35, United States Code, is amended by striking ''Commissioner of Patents'' each place it appears and inserting ''Commissioner''.

(4) Title 35, United States Code, is amended by striking ''Commissioner for Trademarks'' each place it appears and inserting ''Assistant Commissioner for Trademarks''.

(5) Section 5314 of title 5, United States Code, is amended by striking

''Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.''

and inserting

''Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office.''.

(6)(A) Section 303 of title 35, United States Code, is amended—

(i) in the section heading by striking ''**Director** '' and inserting ''**Commissioner**''; and

(ii) by striking ''Director's'' and inserting ''Commissioner's''.

(B) The item relating to section 303 in the table of sections for chapter 30 of title 35, United States Code, is amended by striking ''Director'' and inserting ''Commissioner''.

(b) ADDITIONAL CLERICAL AMENDMENTS.—

(1) The following provisions of law are amended by striking ''Director'' each place it appears and inserting ''Commissioner''.

(A) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B).

(B) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r).

(C) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)).

(D) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)).

(E) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)).

(F) Section 1295(a)(4)(B) of title 28, United States Code.

(G) Section 1744 of title 28, United States Code.

(H) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181).

(I) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

(J) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).

(K) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)).

(L) Section 10(i) of the Trading with the Enemy Act (50 U.S.C. App. 10(i)).

(M) Section 4203 of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113.

(2) The item relating to section 1744 in the table of sections for chapter 115 of title 28, United States Code, is amended by striking ''generally'' and inserting '', generally''.

(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Patent and Trademark Office—

(1) to the Director of the United States Patent and Trademark Office or to the Commissioner of Patents and Trademarks is deemed to refer to the Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office;

(2) to the Commissioner for Patents is deemed to refer to the Assistant Commissioner for Patents; and

(3) to the Commissioner for Trademarks is deemed to refer to the Assistant Commissioner for Trademarks.

SEC. 3. CLARIFICATION OF REEXAMINATION PROCEDURE ACT OF 1999; TECHNICAL AMENDMENTS.

(a) OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—Title 35, United States Code, is amended as follows:

(1) Section 311 is amended—

(A) in subsection (a), by striking ''person'' and inserting ''third-party requester''; and

(B) in subsection (c), by striking ''Unless the requesting person is the owner of the patent, the'' and inserting ''The''.

(2) Section 312 is amended—

(A) in subsection (a), by striking the last sentence; and

(B) by striking '', if any''.

(3) Section 314(b)(1) is amended—

(A) by striking ''(1) This'' and all that follows through ''(2)'' and inserting ''(1)'';

(B) by striking ''the third-party requester shall receive a copy'' and inserting ''the Office shall send to the third-party requester a copy''; and

(C) by redesignating paragraph (3) as paragraph (2).

(4) Section 315(c) is amended by striking ''United States Code,''.

(5) Section 317 is amended—

(A) in subsection (a), by striking ''patent owner nor the third-party requester, if any, nor privies of either'' and inserting ''third-party requester nor its privies''; and

(B) in subsection (b), by striking ''United States Code,''.

(b) CONFORMING AMENDMENTS.—

(1) APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES.—Subsections (a), (b), and (c) of section 134 of title 35, United States Code, are each amended by striking ''administrative patent judge'' each place it appears and inserting ''primary examiner''.

(2) PROCEEDING ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: ''In an ex parte case or any reexamination case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.''.

(c) CLERICAL AMENDMENTS.—

(1) Section 4604(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999, is amended by striking ''Part 3'' and inserting ''Part III''.

(2) Section 4604(b) of that Act is amended by striking ''title 25'' and inserting ''title 35''.

(d) EFFECTIVE DATE.—The amendments made by sections 4605(c) and 4605(e) of the Intellectual Property and Communications Omnibus Reform Act, as enacted by section 1000(a)(9) of Public Law 106–113, shall apply to any reexamination filed in the United States Patent and Trademark Office on or after the date of the enactment of Public Law 106–113.

SEC. 4. PATENT AND TRADEMARK EFFICIENCY ACT AMENDMENTS.

(a) DEPUTY COMMISSIONER.—

(1) Section 17(b) of the Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1067(b)), is amended by inserting ''the Deputy Commissioner,'' after ''Commissioner,''.

(2) Section 6(a) of title 35, United States Code, is amended by inserting ''the Deputy Commissioner,'' after ''Commissioner,''.

(b) PUBLIC ADVISORY COMMITTEES.—Section 5 of title 35, United States Code, is amended—

(1) in subsection (i), by inserting '', privileged,'' after ''personnel''; and

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

''(j) INAPPLICABILITY OF PATENT PROHIBITION.—Section 4 shall not apply to voting members of the Advisory Committees.''.

(c) MISCELLANEOUS.—Section 153 of title 35, United States Code, is amended by striking ''and attested by an officer of the Patent and Trademark Office designated by the Commissioner,''.

SEC. 5. DOMESTIC PUBLICATION OF FOREIGN FILED PATENT APPLICATIONS ACT OF 1999 AMENDMENTS.

Section 154(d)(4)(A) of title 35, United States Code, as in effect on November 29, 2000, is amended—

(1) by striking ''on which the Patent and Trademark Office receives a copy of the'' and inserting ''of''; and

(2) by striking ''international application'' the last place it appears and inserting ''publication''.

SEC. 6. DOMESTIC PUBLICATION OF PATENT APPLICATIONS PUBLISHED ABROAD.

Subtitle E of title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:

(1) Section 4505 is amended to read as follows:

''SEC. 4505. PRIOR ART EFFECT OF PUBLISHED APPLICATIONS.

''Section 102(e) of title 35, United States Code, is amended to read as follows:

'''(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States if and only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or' ''.

(2) Section 4507 is amended—

(A) in paragraph (1), by striking ''Section 11'' and inserting ''Section 10'';

(B) in paragraph (2), by striking ''Section 12'' and inserting ''Section 11''.

(C) in paragraph (3), by striking ''Section 13'' and inserting ''Section 12'';

(D) in paragraph (4), by striking ''12 and 13'' and inserting ''11 and 12'';

(E) in section 374 of title 35, United States Code, as amended by paragraph (10), by striking ''confer the same rights and shall have the same effect under this title as an application for patent published'' and inserting ''be deemed a publication''; and

(F) by adding at the end the following:

''(12) The item relating to section 374 in the table of contents for chapter 37 of title 35, United States Code, is amended to read as follows:

''374. Publication of international application.''.

(3) Section 4508 is amended to read as follows:

''SEC. 4508. EFFECTIVE DATE.

''Except as otherwise provided in this section, sections 4502 through 4507, and the amendments made by such sections, shall take effect on November 29, 2000, and shall apply only to applications (including international applications designating the United States) filed on or after that date. The amendments made by sections 4504 and 4505 shall additionally apply to any pending application filed before November 29, 2000, if such pending application is published pursuant to a request of the applicant under such procedures as may be established by the Commissioner. If an application is filed on or after November 29, 2000, or is published pursuant to a request from the applicant, and the application claims the benefit of one or more prior-filed applications under section 119(e), 120, or 365(c) of title 35, United States Code, then the amendment made by section 4505 shall apply to the prior-filed application in determining the filing date in the United States of the application.''.

SEC. 7. MISCELLANEOUS CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 35.—The following provisions of title 35, United States Code, are amended:

(1) Section 2(b) is amended in paragraphs (2)(B) and (4)(B), by striking '', United States Code''.

(2) Section 3 is amended—

(A) in subsection (a)(2)(B), by striking ''United States Code,'';

(B) in subsection (b)(2)—

(i) in the first sentence of subparagraph (A), by striking '', United States Code'';

(ii) in the first sentence of subparagraph (B)—

(I) by striking ''United States Code,''; and

(II) by striking '', United States Code'';

(iii) in the second sentence of subparagraph (B)—

(I) by striking ''United States Code,''; and

(II) by striking '', United States Code.'' and inserting a period;

(iv) in the last sentence of subparagraph (B), by striking '', United States Code''; and

(v) in subparagraph (C), by striking '', United States Code''; and

(C) in subsection (c)—

(i) in the subsection caption, by striking '', UNITED STATES CODE''; and

(ii) by striking ''United States Code,''.

(3) Section 5 is amended in subsections (e) and (g), by striking '', United States Code'' each place it appears.

(4) The table of chapters for part I is amended in the item relating to chapter 3, by striking ''**before**'' and inserting ''**Before**''.

(5) The item relating to section 21 in the table of contents for chapter 2 is amended to read as follows:

''21. Filing date and day for taking action.''.

(6) The item relating to chapter 12 in the table of chapters for part II is amended to read as follows:

''12. Examination of Application ..... 131''.

(7) The item relating to section 116 in the table of contents for chapter 11 is amended to read as follows:

''116. Inventors.''.

(8) Section 154(b)(4) is amended by striking '', United States Code,''.

(9) Section 156 is amended—

(A) in subsection (b)(3)(B), by striking ''paragraphs'' and inserting ''paragraph'';

(B) in subsection (d)(2)(B)(i), by striking ''below the office'' and inserting ''below the Office''; and

(C) in subsection (g)(6)(B)(iii), by striking ''submittted'' and inserting ''submitted''.

(10) The item relating to section 183 in the table of contents for chapter 17 is amended by striking ''of'' and inserting ''to''.

(11) Section 185 is amended by striking the second period at the end of the section.

(12) Section 201(a) is amended—

(A) by striking ''United States Code,''; and

(B) by striking ''5, United States Code.'' and inserting ''5.''.

(13) Section 202 is amended—

(A) in subsection (b)(4), by striking ''last paragraph of section 203(2)'' and inserting ''section 203(b)''; and

(B) in subsection (c)—

(i) in paragraph (4) by striking ''rights;'' and inserting ''rights,''; and

(ii) in paragraph (5) by striking ''of the United States Code''.

(14) Section 203 is amended—

(A) in paragraph (2)—

(i) by striking ''(2)'' and inserting ''(b)'';

(ii) by striking the quotation marks and comma before ''as appropriate''; and

(iii) by striking ''paragraphs (a) and (c)'' and inserting ''paragraphs (1) and (3) of subsection (a)''; and

(B) in the first paragraph—

(i) by striking ''(a)'', ''(b)'', ''(c)'', and (d)'' and inserting ''(1)'', ''(2)'', ''(3)'', and (4)'', respectively; and

(ii) by striking ''(1.'' and inserting ''(a)''.

(15) Section 209 is amended in subsections (a) and (f)(1), by striking ''of the United States Code''.

(16) Section 210 is amended—

(A) in subsection (a)—

(i) in paragraph (11), by striking ''5901'' and inserting ''5908''; and

(ii) in paragraph (20) by striking ''178(j)'' and inserting ''178j''; and

(B) in subsection (c)—

(i) by striking ''paragraph 202(c)(4)'' and inserting ''section 202(c)(4)''; and

(ii) by striking ''title..'' and inserting ''title.''.

(17) The item relating to chapter 29 in the table of chapters for part III is amended by inserting a comma after ''**Patent**''.

(18) The item relating to section 256 in the table of contents for chapter 25 is amended to read as follows:

''256. Correction of named inventor.''.

(19) Section 294 is amended—

(A) in subsection (b), by striking ''United States Code,''; and

(B) in subsection (c), in the second sentence by striking ''court to'' and inserting ''court of''.

(20)(A) The item relating to section 374 in the table of contents for chapter 37 is amended to read as follows:

''374. Publication of international application.''.

(B) The amendment made by subparagraph (A) shall take effect on November 29, 2000.

(21) Section 371(b) is amended by adding at the end a period.

(22) Section 371(d) is amended by adding at the end a period.

(23) Paragraphs (1), (2), and (3) of section 376(a) are each amended by striking the semicolon and inserting a period.

(b) OTHER AMENDMENTS.—

(1) Section 4732(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999 is amended—

(A) in paragraph (9)(A)(ii), by inserting ''in subsection (b),'' after ''(ii)''; and

(B) in paragraph (10)(A), by inserting after ''title 35, United States Code,'' the following: ''other than sections 1 through 6 (as amended by chapter 1 of this subtitle),''.

(2) Section 4802(1) of that Act is amended by inserting ''to'' before ''citizens''.

(3) Section 4804 of that Act is amended—

(A) in subsection (b), by striking ''11(a)'' and inserting ''10(a)''; and

(B) in subsection (c), by striking ''13'' and inserting ''12''.

(4) Section 4402(b)(1) of that Act is amended by striking ''in the fourth paragraph''.

SEC. 8. TECHNICAL CORRECTIONS IN TRADEMARK LAW.

(a) AWARD OF DAMAGES.—Section 35(a) of the Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1117(a)), is amended by striking ''a violation under section 43(a), (c), or (d),'' and inserting ''a violation under section 43(a) or (d),''.

(b) ADDITIONAL TECHNICAL AMENDMENTS.—The Trademark Act of 1946 is further amended as follows:

(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended in the first sentence by striking ''specifying the date of the applicant's first use'' and all that follows through the end of the sentence and inserting ''specifying the date of the applicant's first use of the mark in commerce and those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce.''.

(2) Section 1(e) (15 U.S.C. 1051(e)) is amended to read as follows:

''(e) If the applicant is not domiciled in the United States the applicant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.'';

(3) Section 8(f) (15 U.S.C. 1058(f)) is amended to read as follows:

''(f) If the registrant is not domiciled in the United States, the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.'';

(4) Section 9(c) (15 U.S.C. 1059(c)) is amended to read as follows:

''(c) If the registrant is not domiciled in the United States the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.'';

(5) Subsections (a) and (b) of section 10 (15 U.S.C. 1060(a) and (b)) are amended to read as follows:

''(a)(1) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing.

''(2) In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted.

''(3) Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office, the record shall be prima facie evidence of execution.

''(4) An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office within 3 months after the date of the assignment or prior to the subsequent purchase.

''(5) The United States Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Commissioner.

''(b) An assignee not domiciled in the United States may designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the assignee does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served upon the Commissioner.'';

(7) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking the second comma after ''numeral''.

(8) Section 33(b)(8) (15 U.S.C. 1115(b)(8)) is amended by aligning the text with paragraph (7).

(9) Section 34(d)(1)(A) (15 U.S.C. 1116(d)(1)(A)) is amended by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code,''.

(10) Section 34(d)(1)(B)(ii) (15 U.S.C. 1116(d)(1)(B)(ii)) is amended by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code''.

(11) Section 34(d)(11) is amended by striking ''6621 of the Internal Revenue Code of 1954'' and inserting ''6621(a)(2) of the Internal Revenue Code of 1986''.

(12) Section 35(b) (15 U.S.C. 1117(b)) is amended—

(A) by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code,''; and

(B) by striking ''6621 of the Internal Revenue Code of 1954'' and inserting ''6621(a)(2) of the Internal Revenue Code of 1986''.

(13) Section 44(e) (15 U.S.C. 1126(e)) is amended by striking ''a certification'' and inserting ''a true copy, a photocopy, a certification,''.

SEC. 9. PATENT AND TRADEMARK FEE CLERICAL AMENDMENT.

The Patent and Trademark Fee Fairness Act of 1999 (113 Stat. 1537–546 et seq.), as enacted by section 1000(a)(9) of Public Law 106–113, is amended in section 4203, by striking ''111(a)'' and inserting ''1113(a)''.

SEC. 10. COPYRIGHT RELATED CORRECTIONS TO 1999 OMNIBUS REFORM ACT.

Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:

(1) Section 1007 is amended—

(A) in paragraph (2), by striking ''paragraph (2)'' and inserting ''paragraph (2)(A)''; and

(B) in paragraph (3), by striking ''1005(e)'' and inserting ''1005(d)''.

(2) Section 1006(b) is amended by striking ''119(b)(1)(B)(iii)'' and inserting ''119(b)(1)(B)(ii)''.

(3)(A) Section 1006(a) is amended—

(i) in paragraph (1), by adding ''and'' after the semicolon;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(B) Section 1011(b)(2)(A) is amended to read as follows:

''(A) in paragraph (1), by striking 'primary transmission made by a superstation and embodying a performance or display of a work' and inserting 'performance or display of a work embodied in a primary transmission made by a superstation or by the Public Broadcasting Service satellite feed';''.

SEC. 11. AMENDMENTS TO TITLE 17, UNITED STATES CODE.

Title 17, United States Code, is amended as follows:

(1) Section 119(a)(6) is amended by striking ''of performance'' and inserting ''of a performance''.

(2)(A) The section heading for section 122 is amended by striking ''**rights; secondary**'' and inserting ''**rights: Secondary**''.

(B) The item relating to section 122 in the table of contents for chapter 1 is amended to read as follows:

''122. Limitations on exclusive rights: Secondary transmissions by satellite carriers within local markets.''.

(3)(A) The section heading for section 121 is amended by striking ''**reproduction**'' and inserting ''**Reproduction**''.

(B) The item relating to section 121 in the table of contents for chapter 1 is amended by striking ''reproduction'' and inserting ''Reproduction''.

(4)(A) Section 106 is amended by striking ''107 through 121'' and inserting ''107 through 122''.

(B) Section 501(a) is amended by striking ''106 through 121'' and inserting ''106 through 122''.

(C) Section 511(a) is amended by striking ''106 through 121'' and inserting ''106 through 122''.

(5) Section 101 is amended—

(A) by moving the definition of ''computer program'' so that it appears after the definition of ''compilation''; and

(B) by moving the definition of ''registration'' so that it appears after the definition of ''publicly''.

(6) Section 110(4)(B) is amended in the matter preceding clause (i) by striking ''conditions;'' and inserting ''conditions:''.

(7) Section 118(b)(1) is amended in the second sentence by striking ''to it''.

(8) Section 119(b)(1)(A) is amended—

(A) by striking ''transmitted'' and inserting ''retransmitted''; and

(B) by striking ''transmissions'' and inserting ''retransmissions''.

(9) Section 203(a)(2) is amended—

(A) in subparagraph (A)—

(i) by striking ''(A) the'' and inserting ''(A) The''; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking ''(B) the'' and inserting ''(B) The''; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking ''(C) the'' and inserting ''(C) The''.

(10) Section 304(c)(2) is amended—

(A) in subparagraph (A)—

(i) by striking ''(A) the'' and inserting ''(A) The''; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking ''(B) the'' and inserting ''(B) The''; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking ''(C) the'' and inserting ''(C) The''.

(11) The item relating to section 903 in the table of contents for chapter 9 is amended by striking ''licensure'' and inserting ''licensing''.

SEC. 12. OTHER COPYRIGHT RELATED TECHNICAL AMENDMENTS.

(a) AMENDMENT TO TITLE 18.—Section 2319(e)(2) of title 18, United States Code, is amended by striking ''107 through 120'' and inserting ''107 through 122''.

(b) STANDARD REFERENCE DATA.—(1) Section 105(f) of Public Law 94–553 is amended by striking ''section 290(e) of title 15'' and inserting ''section 6 of the Standard Reference Data Act (15 U.S.C. 290e)''.

(2) Section 6(a) of the Standard Reference Data Act (15 U.S.C. 290e) is amended by striking ''Notwithstanding'' and all that follows through ''United States Code,'' and inserting ''Notwithstanding the limitations under section 105 of title 17, United States Code,''.

The PRESIDING OFFICER. The Senator from Mississippi, Mr. COCHRAN, is recognized.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may proceed for up to 10 minutes as in morning business.

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

NATIONAL MISSILE DEFENSE SYSTEM

Mr. COCHRAN. Mr. President, I take this time to respond to those who are suggesting we put off, or even cancel, the deployment of a national missile defense system.

One reason the critics of the program are giving for delay is the alleged opposition of our allies, particularly those in Europe. Earlier this month at the Munich Conference on International Security, Secretary of Defense Donald Rumsfeld made a forceful case for deployment of a defense against strategic ballistic missiles. He explained the rationale for our missile defense program, and he also made it clear that this administration intends to deploy such a system as soon as possible.

He told those attending the conference that deploying a missile defense system was a moral issue because ''no U.S. President can responsibly say his defense policy is calculated and designed to leave the American people undefended against threats that are known to exist.''

Former Secretary of State Kissinger, who negotiated the 1972 Anti-Ballistic Missile Treaty, also spoke at the conference. He said a U.S. President cannot allow a situation in which ''extinction of civilized life is one's only strategy.''

The response from our European allies was very encouraging. For months, critics have been saying that our allies firmly oppose our plans to deploy missile defenses and would never go along with them. But the Secretary General of NATO, George Robertson, said:

> Now the Europeans have to accept that the Americans really intend to go ahead. . . . Now that the question of ''whether'' it's going to happen has been settled, I want an engagement inside NATO between the Americans and other allies about the ''how'' and the ''when.''

With respect to the threat, Secretary General Robertson said:

> The interesting point is that there is now a recognition by leaders—American, European, and even Russian—that there is a new threat from the proliferation of ballistic missiles that has got to be dealt with. The Americans have said how they're going to deal with it. The Europeans are being offered a chance to share in that.

Robertson also added:

> The concept of mutually assured destruction is obsolete. The old equation no longer works out: Russia and the United States in a balance of terror. Now there are groups and States acquiring missile technology and warheads with great facility. We are living in a dangerous new world.

Germany's views are also changing. Chancellor Gerhard Schroeder, addressing fellow Social Democratic Party members, said recently, ''We should be under no illusions that that there will be no difference of opinion with the new American leadership under President George W. Bush. First and foremost, it won't be about the planned National Missile Defense program but about trade policy issues. Differences over NMD are not the decisive factor in the German-American relationship.'' German Foreign Minister Fischer said that NMD ''above all is a national decision for the United States.'' In Moscow this week, he said, ''in the end, the Russians are going to accept it somehow.''

Here in Washington last week, Britain's Foreign Secretary said, ''On the question of what happens if national missile defense proceeds; if it means the U.S., feels more secure and therefore feels more able to assert itself in international areas of concern to us, we would regard that as a net gain in security.'' And the Prime Minister of Canada, who just a few months ago had joined Russian President Putin in calling for preservation of the ABM Treaty, said last week after consulting with President Bush, ''Perhaps we are in a different era.''

The Australian Foreign Minister noted last week that until now,

> A lot of the debate has been directed at the United States. I frankly think an awful lot of the debate should instead be directed not only toward those countries that have got or are developing these missile systems but the countries that have been transferring that missile technology to others. . . . If there were no missiles, there would be no need for a missile defense system.

Dr. Javier Solana of Spain, former Secretary-General of NATO and now the director of foreign policy for the European Union, said ''The United States has the right to deploy'' an NMD system. Of the ABM Treaty, the so-called ''cornerstone of strategic stability,'' Dr. Solana said, ''It is not the Bible.''

The words we now hear from our European and other important allies are signaling changed attitudes. I think they have been influenced by the Bush administration's willingness to confront the NMD issue squarely, to consult fully with our allies, and to make clear a determination to protect this nation and its allies from long-range ballistic missile attack. The best ally is a strong one, and the actions of the Bush administration are an overdue reassurance that the United States will indeed be a strong alliance partner.

Of course, not every nation welcomes our NMD plans. France still has not embraced the concept, and Russia and China continue their opposition. But this shouldn't change our plans to deploy missile defenses. Our action

threatens no nation, although it will create an obstacle for those who would threaten the U.S. Those who mean us no harm have nothing to fear from this purely defensive system; those who do mean us harm will learn that the United States will no longer commit itself to continuing vulnerability.

Another reason for proceeding as soon as possible to deploy missile defenses to protect the United States was highlighted last week in testimony presented to the Senate by the Director of Central Intelligence, George Tenet.

He said, ''we cannot underestimate the catalytic role that foreign assistance has played in advancing ... missile and WMD programs, shortening the development times, and aiding production.'' He noted that it is increasingly difficult to predict those timelines, saying ''The missile and WMD proliferation problem continues to change in ways that make it harder to monitor and control, increasing the risks of substantial surprise.'' Director Tenet went on to say, ''It is that foreign assistance piece that you have to have that very precise intelligence to understand, and sometimes you get it and sometimes you don't.'' Because of the difficulty monitoring foreign assistance, Director Tenet added that ''these time lines all become illusory.''

He also noted that it is a mistake to think of nations who aspire to obtain missiles as technologically unsophisticated: ''We are not talking about unsophisticated countries. When you talk about Iraq and Iran, people need to understand these are countries with sophisticated capabilities, sophisticated technology, digital communications.''

And the danger does not stop when one of these nations acquires the technology that is now so freely available. Mr. Tenet warned about what he termed ''secondary proliferation'':

> There is also great potential for secondary proliferation, for maturing state-sponsored programs such as those in Pakistan, Iran and India. Add to this group the private companies, scientists and engineers in Russia, China and India who may be increasing their involvement in these activities taking advantage of weak or unenforceable national export controls and the growing availability of technologies. These trends have continued, and in some cases have accelerated over the past year.

The Director of Central Intelligence added, ''So you know, the kind of technology flows that we see from big states to smaller states and then the inclination of those people who do the secondary proliferation I think is what's most worrisome to me.''

Some who oppose missile defense deployment point to diplomatic initiatives and political change as evidence that the threat is diminishing. For example, they point to recent efforts by North Korea's leader Kim Jong Il to present a more open face to the world. But according to the Director of Central Intelligence, little has actually changed with respect to North Korea's proliferation activities. For example, he testified,

> Pyongyang's bold diplomatic outreach to the international community and engagement with South Korea reflect a significant change in strategy. The strategy is designed to assure the continued survival of Kim Jong Il by ending Pyongyang's political isolation and fixing the North's failing economy by attracting more aid. We do not know how far Kim will go in opening the North, but I can report to you that we have not yet seen a significant diminution of the threat from North to American and South Korean interests.
>
> Pyongyang still believes that a strong military, capable of projecting power in the region, is an essential element of national power. Pyongyang's declared military-first policy requires massive investment in the armed forces, even at the expense of other national objectives . . . [T]he North Korean military appears, for now, to have halted its near decade-long slide in military capabilities. In addition to the North's longer-range missile threat to us, Pyongyang is also expanding its short- and medium-range missile inventory, putting our allies at risk.

Similar claims about diminishing threats have been made about Iran. A year ago, those who oppose missile defense were suggesting that because of the election of reform-minded leaders we need no longer worry about that country obtaining more capable missiles. Here is what the Director of Central Intelligence had to say about Iran in his testimony last week:

> Iran has one of the largest and most capable ballistic missile programs in the Middle East. Its public statements suggest that it plans to develop longer-range rockets for use in a space-launch program. But Tehran could follow the North Korean pattern and test an ICBM capable of delivering a light payload to the United States in the next few years . . .
>
> Events in the past year have been discouraging for positive change in Iran. . . . Prospects for near-term political reform in the near term are fading. Opponents of reform have not only muzzled the open press, they have also arrested prominent activists and blunted the legislature's powers. Over the summer, supreme leader Khamenei ordered the new legislature not to ease press restrictions, a key reformist pursuit, that signaled the narrow borders within which he would allow the legislature to operate.

I hope that reformers do make gains in Iran, although senior CIA officials have testified that Iranian ''reformers''—such as President Khatemi—are enthusiastic about acquiring ballistic missiles. I hope Iran will one day be a thriving democracy. But that day has not arrived, and our security policy cannot be based on hope.

We need missile defense not just because of the capabilities of particular countries, but because of the larger problem: The proliferation of missile technology has created a world in which we can no longer afford to leave ourselves vulnerable to an entire class of weapons. Remaining vulnerable only guarantees that some nation will seize upon this vulnerability and take the United States and our allies by surprise.

The Bush administration's resolve to deploy missile defenses is an essential first step in modernizing our national security assets. Because of the neglect our missile defense program has suffered over the last eight years, we now face a threat against which we will have no defense for several years. Because of decisions made by the previous administration, the only long-range missile defense we have in the near-term will be the ground-based system planned for initial deployment in Alaska. Additional resources must be provided so that other technologies and basing modes can be developed and tested. But now, we must move forward as fast as we can with the technology we have today. We must not prolong our vulnerability by waiting for newer and better technology. Therefore, it is important that the administration immediately begin construction of the NMD radar at Shemya, AK. Construction of the national missile defense radar at Shemya, AK, should begin immediately.

Construction of this radar was to have begun this May, but last September President Clinton postponed the decision to proceed, citing delays with other elements of the system and a lack of progress in convincing Russia to modernize the ABM Treaty to permit NMB deployment. However, construction of the Shemya radar is the so-called ''long-lead'' item in deployment of the NMD system; it is the step that takes the longest and must begin the soonest. Delaying construction of the NMD radar means delaying deployment of the entire system, and we cannot afford more unnecessary delays in this program.

There is still time to recover from the delays caused by President Clinton's postponement last fall. The radar design is complete, the funds have been appropriated, and any missile defense system we build will have to begin with an X-band radar at Shemy. So we should get on with it.

Beginning construction of the Shemya radar will be a demonstration of the determination of our government to fulfill its first constitutional duty, which is to provide for the security of our Nation. It will send an unmistakable signal to all—friend or potential foe—that the United States will not remain vulnerable any longer to those who threaten us with ballistic missiles.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, before I propound a unanimous consent request, I want to make some brief comments on the bill that I expect to call up.

HONORING PAUL D. COVERDELL

Mr. LOTT. Mr. President, many of us in the Senate still greatly miss our distinguished and honorable colleague from Georgia, Paul Coverdell. There are not many days that go by that I do not think about him when I am working in this Chamber and in my office. We really have been grieving and thinking an awful lot about him over the months since his unfortunate early passing away as a result of his problems last year when he had a cerebral hemorrhage.

He was an extraordinary public servant. We all wanted to find a way to express our sorrow and to appropriately honor him. In that vein, I wanted to make sure we did not just have a rush to judgment of what we might try to do to honor him—doing it in several little ways but never an appropriate way.

After discussion on both sides of the aisle and getting approval of the Democratic leader, I asked four of our colleagues to serve as an informal task force to come up with an appropriate way to honor Senator Coverdell. These four Senators, two from each side of the aisle, were good friends and worked closely with Paul. They had a personal interest in it.

I thank Senator GRAMM of Texas, Senator DEWINE of Ohio, Senator HARRY REID of Nevada, and Senator ZELL MILLER of Georgia for taking the time to think about this, meeting together and coming up with ideas of how to appropriately honor Senator Coverdell.

That is how this bill came into being. A lot of ideas were considered. They were discussed with Senator Coverdell's former staff members, family, particularly his wife, and they came up with the suggestion that is included in this bill.

I thank Senator DASCHLE and Senator REID for being willing to be involved in this process. As a result of their efforts, we now have a bill.

UNANIMOUS CONSENT REQUEST—A BILL HONORING PAUL D. COVERDELL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a bill at the desk which honors Senator Paul D. Coverdell by naming the Peace Corps headquarters after our former colleague. I further ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. COCHRAN). Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr REID. As the majority leader has indicated, a significant amount of time has been spent on this matter. I remember as if it was yesterday Senator LOTT coming on the floor and making the announcement. It was a sad day in the history of this Senate, in the history of the State of Georgia, and certainly our country.

Those of us who knew Senator Coverdell know how closely he was associated with the majority leader and how he loved this institution. What the leader has said is very true. I worked with Senator MILLER, Senator GRAMM, and Senator DEWINE to come up with something that is appropriate. We think we have done that.

I do, though, have to object for one of the other Members of the Senate. It is something which is procedural in nature. I am confident we can work this out. I ask that the leader be understanding and that this matter be brought up after we get back from our next recess. I am confident in that period of time we will take care of the kinks. I would rather we do it that way than pass pieces of it.

I talked with Senator GRAMM and Senator MILLER, and we agreed to do it all at once rather than piecemeal.

The PRESIDING OFFICER. The Senator from Nevada objects.

Mr. LOTT. Mr. President, while I feel the objection is certainly unfortunate, I know that Senator REID wants to find a way to work through the problem that may exist. I will be glad to work with him and Senator MILLER.

Senator MILLER has been very generous with his time and very committed to this process. I talked with him a couple of times—just yesterday—to try to work through this. It is my expectation we will be able to clear this bill and take it up for consideration. It really is noncontroversial, and I believe it should be passed by unanimous consent.

I hope Members who do have a problem, or if there is a procedural problem, will find a way to work through it so we can honor this noble and respected Member. I invite Senator REID and any others to comment on the process, and if they have any remedy they can suggest, I am anxious to hear from them. I know effort is already underway to do that, and I know they will continue.

It will be my intent to file cloture on this matter if it is necessary prior to the recess of the Senate this week. I hope and expect we will not have to do that, but because of the requirements of S. Res. 8, if I have to file cloture, I will have to wait the requisite 12 hours now before filing the cloture on an amendable item, so I will have to begin the process.

Rather than leave it in that vein, I prefer we talk and we work this out and find a way to get it cleared and agreed to tomorrow before we leave for the Presidents Day recess.

Mr. REID. I appreciate the leader's comments. I would appreciate very much the leader not filing cloture. We do not need that or want that on this piece of legislation.

Mr. LOTT. I understand that.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now be in a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

COMMENDING SENATOR COCHRAN

Mr. LOTT. Mr. President, I commend my colleague, the Presiding Officer, Senator COCHRAN, for the remarks he made a few moments ago on the floor of the Senate with regard to the defense budget, particularly missile defense. He has been very thoughtful in this area. He has been involved for a number of years.

He serves as head of a bipartisan group of Senators who have been to Russia on behalf of the Senate, who have met with representatives from the government, the Duma of Russia, when they have been in the United States.

To put this in a positive way and note that President Bush intends to go forward with it when it is ready to be deployed and that we be prepared to have a serious discussion about it is fine, but I thank him for the way he has been involved in this issue and express my confidence that as we move forward on this very important defense item for our future, I know he will be involved in that.

I feel very good that President Bush and Secretary of Defense Rumsfeld will approach this matter in an appropriate way, with our defense budget funding but also in the way it is handled with our allies. I look forward to working together in the future on this important issue.

I yield the floor.

BLACK HISTORY MONTH

Mr. SARBANES. Mr. President, I am very pleased to join in commemorating African-American History Month and particularly this year's theme, ''Creating and Defining the African-American Community: Family, Church, Politics and Culture.''

Since 1926, the month of February has served as a time for our citizens to recognize and applaud the vast contributions made by African-Americans to the founding and building of this great Nation. The vision of the noted author and scholar, Dr. Carter G. Woodson, led to this important annual celebration. As we note the theme of this year's Black History Month celebration, it is important to recognize the challenges ahead for African-Americans in a new age.

From early days, the family has been the backbone of the African-American culture in our country. Through a strong and stable family structure, African-Americans found companionship, love, and an understanding of the suffering endured during oppressive periods in history. The African-American family has served to strengthen and encourage young African-Americans to forge ahead to break barriers and rise to new heights within American culture.

The unemployment rate for African-Americans has fallen from 14.2 percent in 1992 to 8.3 percent in 1999, the lowest annual level on record. The median household income of African-Americans is up 15.1 percent since 1993, from $22,034 in 1993 to $25,351 in 1998. Real wages of African-Americans have risen rapidly in the past two years, up about 5.8 percent for men and 6.2 percent for women since 1996.

The African-American poverty rate has dropped from 33.1 percent in 1993 to 26.1 percent in 1998, the lowest level ever recorded and the largest five-year drop in more than twenty-five years. Since 1993, the child poverty rate among African-Americans has dropped from 46.1 percent to 36.7 percent in 1998. While still too large, this represents the largest five-year drop on record. It is critical that we in Congress continue to work to enact legislation that will further strengthen African-American families and enable these rates to continue to decrease at record levels.

Religion, like family, has played a vital role in African-American life in this country, with the Black Church a substantial and enduring presence. Throughout the early period of our Nation's development, African-Americans established their own religious institutions. Although these institutions were not always formally recognized, it should be noted that the African Methodist Episcopal Church was founded in 1787, followed closely by the African Baptist Church in 1788. Throughout our Nation's history, the Black Church has served as both a stabilizing influence and as a catalyst for needed change.

During slavery, the African-American Church was a place of spiritual sanctuary and community. After Blacks were freed, the Church remained a line of defense and comfort against racism. The Black Church served as an agency of social reorientation and reconstruction, providing reinforcement for the values of marriage, family, morality, and spirituality in the face of the corrosive effects of discrimination.

The Black Church became the center for economic cooperation, pooling resources to buy churches, building mutual aid societies which provided social services, purchasing and helping resettle enslaved Africans, and establishing businesses. From its earliest days as an invisible spiritual community, the Black Church supported social change and struggle, providing leaders and leadership at various points in the struggle against racism and discrimination.

The civil rights movement of the 1960s provided the catalyst for African-Americans to move into the political arena. Three major factors encouraged the beginning of this new movement for civil rights. First, many African-Americans served with honor in World War II, as they had in many wars since the American revolution. However, in this instance, African-American leaders pointed to the records of these veterans to show the injustice of racial discrimination against patriots. Second, more and more African-Americans in the North had made economic gains, increased their education, and registered to vote. Third, the NAACP had attracted many new members and received increased financial support from all citizens.

In addition, a young group of energetic lawyers, including Thurgood Marshall, of Baltimore, Maryland, used the legal system to bring about important changes in the lives of African-Americans, while Dr. Martin Luther King, Jr. appealed to the conscience of all citizens. When Congress passed the Civil Rights Act of 1964 and the Voting Rights Act of 1965, Clarence Mitchell, Jr., of Maryland, played a critical part in steering this legislation through Congress.

African-Americans began to assume more influential roles in the Federal Government as a result of the civil rights movement, a development which benefitted the entire Nation. In 1966, Dr. Robert C. Weaver became the Secretary of Housing and Urban Development, the first Black Cabinet Member and Edward Brooke became the first African-American elected to the Senate since reconstruction. In 1967, Thurgood Marshall became the first Black Justice on the Supreme Court. In 1969, Shirley Chisholm of New York became the first Black woman to serve in the U.S. House of Representatives.

Progress continued in the next three decades. In 1976, Patricia Harris became the first Black woman Cabinet Member and in 1977 when Clifford Alexander was confirmed as the first Black Secretary of the Army. In 1989, Douglas Wilder of Virginia became the first elected African-American Governor in the Nation. In 1992, Carol Moseley-Braun became the first African-American female U.S. Senator. In 1993, Ron Brown became the first African-American Secretary of Commerce, Jesse Brown became the first African-American Secretary of the Veterans Administration, and Hazel O'Leary became the first black Secretary of Energy. In 1997, Rodney Slater became the first African-American Secretary of Transportation and Alexis Herman became the first African-American Secretary of Labor. In 2001, Roderick Paige became the first African-American Secretary of Education and General Colin Powell, in addition to being the first African-American Chairman of the Joint Chiefs of Staff, became the first U.S. Secretary of State.

African-Americans have played significant roles in influencing and changing American life and culture. Through such fields as arts and entertainment, the military, politics and civil rights, African-Americans have been key to the progress and prosperity of our Nation. Blacks have contributed to the artistic and literary heritage of America from the early years to the present. They have influenced the field of music as composers, vocalists, and instrumentalists and played a seminal role in the emergence of blues, jazz, gospel, and rhythm and blues.

Although African-Americans owned and published newspapers in the 19th century, their achievements in the communications industry have been most noted in the 20th century, when they produced and contributed to magazines, newspapers, and television and radio news and talk shows in unprecedented numbers. There are now hundreds of Black-owned radio stations throughout the country. While integrated into professional sports relatively recently, African-American athletes have reached the highest levels of accomplishment. They also comprise some of the finest athletes representing the United States in the Olympic Games.

As we move into the new Millenium, we look forward to the continued growth and prosperity of African-American citizens. Our Nation's history is replete with the contributions of African-Americans. Black History Month affords all Americans an opportunity to celebrate the great achievements of African-Americans, to celebrate how far this Nation has come, and to remind us of how far we have to go.

ASYLUM AND DOMESTIC VIOLENCE

Mr. LEAHY. Mr. President, before leaving office, Attorney General Reno ordered the Board of Immigration Appeals to reconsider its decision to reject the asylum claim of a Guatemalan domestic violence victim. I applaud the former Attorney General for her actions in this case, entitled Matter of R.A., and I encourage the Bush Administration to continue with her efforts to provide a safe harbor for victims of severe domestic abuse.

The facts of the R.A. case are chilling. Ms. Rodi Alvarado Pena sought asylum after suffering from unthinkable abuse at the hands of her husband in her native Guatemala, abuse that ended only when she escaped to the United States in 1995. She

said that her husband raped and pistol-whipped her, and beat her unconscious in front of her children. She said that law enforcement authorities in Guatemala told her that they would not protect her from violent crimes committed against her by her husband. And she believed that her husband would kill her if she returned to Guatemala.

The INS did not dispute what Ms. Pena said, and in 1996, an immigration judge determined that she was entitled to asylum. But in 1999, the Board of Immigration Appeals (''BIA'') reversed that decision on the grounds that even if everything Ms. Pena said were true, she did not qualify for asylum because victims of domestic abuse do not constitute a ''social group'' under existing law. This decision seemed to me and a number of other Senators and Representatives to be inconsistent with previous decisions extending asylum to victims of sexual abuse. I wrote Doris Meissner, then the Commissioner of the INS, in August 1999 to express my concerns about the case. I joined a group of Senators writing Attorney General Reno about this matter in November 1999, and raised those concerns again in letters to the Attorney General in February and September 2000. Finally, I reiterated my concerns to Ms. Meissner in August 2000.

The Justice Department released a proposed rule in December that would make it easier for women to base asylum petitions on gender-based persecution. Then-Attorney General Reno's January 19 order stays the R.A. case until a final version of that rule is approved, at which time the BIA will reconsider the case in light of that rule. I urge the Bush Administration to approve a final rule that provides strong protections for victims of domestic violence and other forms of gender-based oppression. And I urge the BIA to apply that rule in a way that provides the maximum protection for such women.

The United States should have—and I believe does have—a bipartisan commitment to refugees. I have been joined by Republicans such as Senators BROWNBACK and JEFFORDS in my attempts to draw attention to this case. And I am optimistic that the Bush Administration will share our concerns. No one wants to see a victim of domestic violence returned to face further abuse, especially where her government does not have the will or ability to protect her. Working together, and building on the foundation laid by Attorney General Reno, we can prevent that from happening.

TRIBUTE TO FORMER SENATOR ALAN CRANSTON

Mr. ROCKEFELLER. Mr. President, I join many of my colleagues in paying tribute to former Senator Alan Cranston, who died on New Year's Eve, 2000. Since I came to the Senate in 1985, I have had the honor of serving on the Committee on Veterans' Affairs, and my first 8 years on the committee were under the superb chairmanship of Senator Cranston. During our years, I came to know and appreciate his unbounded dedication to the veterans of this country, and his extraordinary record of leadership and commitment to our Nation throughout his 24 years of public service in the U.S. Senate.

Senator Cranston played an integral role in veterans affairs from his first days in the Senate, serving initially as Chairman of the Veterans' Affairs Subcommittee of the then-Committee on Labor and Public Welfare. When that subcommittee became the full Committee on Veterans' Affairs in 1971, he was a charter member of it. He became Chairman of the full Committee in 1977, was ranking member from 1978–1986, and then Chairman again in 1987, until he left the Senate in 1993.

Throughout his tenure, Senator Cranston demonstrated a devoted commitment to the men and women who risk their lives for the safety and welfare of our Nation. Although he opposed the war in Vietnam, he was a strong champion for the rights and benefits of those who served in it.

Senator Cranston's vision—to ensure that our country uphold its obligation to meet the post-service needs of veterans and their families—was the inspiration for the many pieces of legislation passed during his tenure. He showed his concern for disabled veterans and their families in many ways, including authoring support programs that provided for grants, cost-of- living increases in benefits, adaptive equipment, rehabilitation, and other services.

Senator Cranston's record on issues related to the employment and education of veterans is unequaled. As early as 1970, he authored the Veterans' Education and Training Amendments Act, which displayed his heartfelt concern for Vietnam-era veterans, and served as the foundation for other key initiatives over the years.

As a strong advocate for health care reform myself, I appreciated Senator Cranston's efforts over the years to improve veterans' health care through affirmative legislation. He brought national attention to the many needs of VA health care facilities, which resulted in the improvement of the quality of their staffs, facilities, and services.

Senator Cranston's patience in pursuit of his goals is legendary. For example, he introduced legislation in 1971 to establish a VA readjustment counseling program for Vietnam veterans. When it failed that year, he reintroduced it in the next Congress, and the next, and the next, never losing sight of his vision. Four Congresses later, in 1979, it was finally accepted by the House of Representatives. The VA's Vet Center Program was established that year and, in the ensuing years, this program helped many Vietnam veterans deal with their adjustment problems after service, including post-traumatic stress disorder.

After the program was established, Senator Cranston fought successfully to make it permanent, thereby enabling Vet Centers to survive proposed cuts by the Reagan administration. He also pushed for enactment of legislation which extended the eligibility period for readjustment counseling. In 1991, Senator Cranston authored legislation which allowed veterans of later conflicts, including the Persian Gulf War, Panama, Grenada, and Lebanon, to receive assistance at Vet Centers as well.

Another example of Senator Cranston's persistence was his effort to provide an opportunity for veterans to seek outside review of VA decisions on claims for benefits. He began working on this issue in the mid-70's and stayed with it through final enactment in 1988 of legislation which established a court to review veterans' claims. That court, now known as the U.S. Court of Appeals for Veterans Claims, stands as a legacy to Senator Cranston's commitment to making sure that veterans are treated fairly by the government that they served.

The list of Senator Cranston's achievements is long—for veterans, his home State of California, our country, and the world. Senator Cranston's leadership had a broad sweep, way beyond the concerns of veterans. From nuclear disarmament to housing policy to education to civil rights, Senator Cranston fought to do the right thing, with energy and passion. For nearly a quarter of a century, he was a true champion for the less fortunate among our society.

Senator Cranston's legacy is immense, and I know that his leadership, which continued after he left this Chamber, will be missed. I consider myself fortunate to have had the opportunity to work side-by-side with him over the years. By continuing his fight for the people we represent and the ideals we were elected to uphold, I seek to carry on his mission.

Mr. President, I ask unanimous consent that an article about Senator Cranston by Thomas Tighe, a former staff member of the Senate Committee on Veterans' Affairs, be printed in the RECORD. His thoughts on Senator Cranston, which appeared in the January 7, 2001, edition of the Santa Barbara News-Press, are quite compelling.

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

ALAN CRANSTON: HE SEPARATED THE WAR FROM THE WARRIOR

(By Thomas Tighe, President and CEO of Direct Relief International)

Alan Cranston stood for and accomplished many important things during the course of his life and Senate career, which, as might be expected given his low-key approach, received little comment upon his death. But having worked for Alan—as he insisted all his staff call him—during his last several years in office, I was saddened by both his passing and the absence of public recognition for much of what his life's work accomplished.

Elected in 1968 strongly opposing the war in Vietnam, Senator Cranston was assigned the chair of the subcommittee responsible for overseeing the veterans health care system. He was among the very first in our country to separate the war from the warrior, as he sought to have the system do right by the returning soldiers whose wartime experiences, severity of injury, and readjustment seemed somehow different from those of earlier wars.

While retaining his aversion to war, Alan Cranston devoted much of his career in the Senate to ensuring that the country's obligation to those who fought in war—however unpopular—was recognized as fundamentally important and honored accordingly. He pushed hard to expand spinal-cord injury, blindness, and traumatic brain injury care, which were lacking and desperately needed. He championed mental health services, authoring legislation to create ''Vet Centers'' where veterans themselves counseled each other and to fund research that ultimately obtained formal recognition and treatment for post-traumatic stress disorder as a ''real'' condition that affected soldiers. Drug and alcohol services, vocational rehabilitation, and comprehensive assistance for homeless veterans all resulted from his insight, his perseverance, and his commitment to those who served our country.

The terms ''paramedic'' and ''medevac'' did not exist in civilian society in the late 1960s—they do today because Alan saw how effective the combination of medical personnel, telecommunications, and helicopters had been in treating battlefield injuries in Vietnam, and he authored the first pilot program to apply this model to the civilian sector.

Senator Cranston also was the most vigorous, insightful, tough, and effective supporter that the Peace Corps has ever had in the Congress—stemming from his early involvement with Sargent Shriver in the early 1960's before he was elected. I know about these issues, and his remarkable legacy, because I worked on them for Alan as a committee lawyer in the Senate and, after he left office, as the Chief Operating Officer of the Peace Corps.

But there were many, many other issues that Senator Cranston not only cared about but worked to effectuate in a painfully thorough, respectful, and principled way. He was an early and stalwart advocate for preservation and judicious stewardship of the environment, an unyielding voice for a woman's right to make reproductive health choices, and of course, a relentless pursuer of world peace and the abolition of nuclear weapons—upon which he continued to work passionately until the day he died.

Those efforts have made a tremendous positive difference in the lives of millions of people in this country and around the world.

For me, Alan Cranston's standard of adhering to principle while achieving practical success remains a constant source of inspiration and motivation, as I am sure is true for the hundreds of others who worked on his staff over the course of 24 years. His was an example that one's strongly held ideological and policy beliefs, whether labeled ''liberal'' or ''conservative,'' should not be confused with or overwhelmed by partisanship if it prevented meaningful progress. And he insisted upon honest and vigorous oversight of publicly funded programs he supported—to avoid defending on principle something indefensible in practice, thereby eroding support for the principle itself.

Once, while trying to describe an obstacle on a Peace Corps matter, I made a flip reference to the ''America Right or Wrong'' crowd. He asked if I knew where that expression came from, which I did not. He said it was usually misunderstood and, as in my case, misused, and told me that it was a wonderfully patriotic statement. He stared at me calmly, with a slight smile and with the presence of nearly 80 years of unimaginably rich experiences in life and politics, and said, ''America, right or wrong. When it's right, keep it right. When it's wrong, make it right.''

It was a privilege to work for Alan Cranston, and to know that is what he tried to do.

VA LEADS THE NATION IN END-OF-LIFE CARE

Mr. ROCKEFELLER. Mr. President, the Department of Veterans Affairs has been quick to embrace the idea that more needs to be done to deal with patients' pain, and this has become an integral part of VA's overall efforts to improve care at the end of life—for veterans and for all Americans. As ranking member of the Committee on Veterans' Affairs, I am enormously proud of VA's efforts in pain management and end-of-life care. I suspect, however, that many of my colleagues are unaware of VA's good work in this area.

We simply must recognize the lack of services and resources for people who are suffering with pain, especially those who need long-term institutional care and other alternatives, such as hospice or home health for chronic conditions. The health care and related needs of Americans are very diverse. We must target problems and address them with creativity, with a variety of resources that can help different groups in different ways. Taking a look at the VA's success in this area is a good place to start fixing the problem.

I therefore ask unanimous consent that a press release on VA's pain management initiatives and a Washington Post article on VA's success in this area be printed in the RECORD.

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

VA INITIATES PAIN MANAGEMENT PROGRAM

Pain is one of the most common reasons people consult a physician, according to the American Academy of Pain Medicine and the American Pain Society. In fact, it is the primary symptom in more than 80 percent of all doctor visits and affects more than 50 million people. In January 1999, the Department of Veterans Affairs (VA) took the lead in pain management by launching a nationwide effort to reduce pain and suffering for the 3.4 million veterans who use VA health care facilities.

VA AND PAIN MANAGEMENT

VA believes that no patient should suffer preventable pain. Doctors and nurses throughout VA's 1,200 sites of medical care are required to treat pain as a ''fifth vital sign,'' meaning they should assess and record patients' pain just as they note the other four health-care basics—blood pressure, pulse, temperature and breathing rate. They ask patients to rate their pain on a scale of zero to 10, then consult with the patients about ways to deal with it.

''It changed how VA approached pain,'' said Dr. Jane Tollett, national coordinator of VA pain management strategy. ''We're too often obsessed with finding out what's going on at the molecular, cellular and pharmacological levels as opposed to asking: Is the person feeling better?'' Measuring pain as a vital sign was part of the first step in the following comprehensive strategy to make pain management a routine part of veterans' care.

Pain Assessment and Treatment: Procedures for early recognition of pain and prompt effective treatment began at all VA medical facilities. Pain management protocols were set up, including ready access to resources such as pain specialist and multidisciplinary pain clinics. VA updated its Computerized Patient Record System (CPRS) to document a patient's pain history. Patient and family education about pain management was included in patient treatment plans.

Evaluation of Outcomes and Quality of Pain Management: VA began to systematically measure outcomes and quality of pain management, including patient satisfaction measures. Across the nation, VA set up quarterly data collection to evaluate: Was the patient assessed for pain using a 0–10 scale? Was there intervention if pain was reported as 4 or more? Was there a plan for pain care? Was the intervention evaluated for effectiveness?

Research: VA expanded research on management of acute and chronic pain, emphasizing conditions that are most prevalent among veterans. Currently, there are nine pain research projects funded by VA. Research funded by the Health Services Research and Development Service focuses on identifying research priorities, providing scientific evidence for pain management protocols throughout VA and evaluating and monitoring the quality of care.

EDUCATION OF HEALTH CARE PROFESSIONALS

VA is assuring that clinical staff, such as physicians and nurses, have orientation and education on pain assessment and pain management. In collaboration with the Department of Defense and the community, VA is developing clinical guidelines for pain associated with surgery, cancer and chronic conditions.

Additionally, VA initiated an extensive education program for health care providers that includes orientation for new employees and professional trainees, four internet sessions on ''pharmacotherapy of acute and chronic pain,'' satellite broadcasts and interactive sessions with VA health care facilities, guest lectures on topics like pain assessment and treatment of the demented, purchase and distribution of pain management videos, and a Web site ''vaww.mst.lrn.va.gov/nmintranet/pain.''

VA also focuses on pain management education for medical students and health care

professional trainees through VA's affiliations with academic institutions. Among recent milestones:

The Robert Wood Johnson Foundation last year awarded VA a grant of $985,595 to help train physicians in end-of-life care, including pain management.

The VA Office of Academic Affiliations recently awarded additional funding to nine VA medical facilities to support graduate education residences in anesthesiology pain management, including VA medical centers in Milwaukee, Wis.; Durnham, N.C.; and Loma Linda, Calif. and the health care systems in North Texas, New Mexico, Puget Sound (Wash.), Palo Alto (Calif.), and North Florida-South Georgia.

NATIONAL PAIN MANAGEMENT STRATEGY

The complexity of chronic pain management is often beyond the expertise of a single practitioner, especially for veterans whose pain problems are complicated by such things as homelessness, post traumatic stress disorder and combat injuries. Additionally, pain management has been made an integral part of palliative and end-of-life care. The effective management of pain for all veterans cared for by VA requires a nationwide coordinated approach. To accomplish this, VA formed a team made up of representatives from an array of disciplines—anesthesiology, nursing, psychiatry, surgery, oncology, pharmacology, gerontology and neurology.

Funded by an unrestricted educational grant, VA is producing a Web-based physician education program aimed at end-of-life issues and an online forum for VA pain management in which more than 200 clinicians actively participate.

In December 2000, a pain management and end-of-life conference is scheduled to showcase innovation and effective practices within VA, address specialized topics with expert faculty and solve systematic problems that cause barriers to improving pain management care. Additionally, VA will set up programs to support clinicians in settings that are remote from pain experts, centers or clinics.

''Untreated or undertreated pain takes its toll not just in monetary loss but also in the psychosocial and physical cost to patients and their families. Pain can exacerbate feelings of distress, anxiety and depression. . . . When severe pain goes untreated and/or depression is present, some people may consider or attempt suicide. The message is clear: all those in pain have the right to systematic assessment and ongoing management of pain by health care professionals.''—(The Journal of Care Management, November 1999)

ADDITIONAL STATEMENTS

IN MEMORIAM OF THE MEN AND WOMEN OF THE 14TH QUARTERMASTER DETACHMENT WHO LOST THEIR LIVES IN OPERATION DESERT STORM

• Mr. SANTORUM. Mr. President, I stand before you today to honor the tenth anniversary of a terrible tragedy that faced the men and women who serve in the United States Armed Forces. I speak about an attack carried out by Saddam Hussein that took the lives of brave men and women from the Commonwealth of Pennsylvania who were proudly serving their country as members of our armed services. We are indebted to those who made the ultimate sacrifice for our country during that conflict, and they will remain in our hearts and memories forever.

The 14th Quartermaster Detachment of Greensburg, PA, was mobilized and ordered to active duty on January 15, 1991 in support of the Persian Gulf crisis. On February 25, 1991, only days after the Desert Storm conflict began, the 14th Quartermaster Detachment suffered the greatest number of casualties of any allied unit during Operation Desert Storm. An Iraqi Scud missile destroyed the building where the unit was being housed, killing 28 soldiers and wounding 99. Of those casualties, 13 members of the 14th were killed and 43 were wounded. Desert Storm ended only hours after this tragedy.

To recognize the supreme sacrifice that these men and women undertook for our great nation, Major General Rodney D. Ruddock, Commander, 99th Regional Support Command, will hold an anniversary ceremony on February 25, 2001 to honor the 14th Quartermaster Detachment of Greensburg, PA. During this solemn event, we will honor, not only the men and women who lost their lives 10 years ago, but all the men and women who serve in the Armed Forces and selflessly put their lives on the line every day in order to preserve our nation's freedom. We, as Americans, will remain eternally grateful for the sacrifices and true courage that our men and women in uniform display on our behalf in serving this great nation.

It is at this time that I ask my Senate colleagues to join with me in honoring the members of the 14th Quartermaster Detachment.•

50TH BIRTHDAY OF THE GIRL SCOUTS OF CONESTOGA COUNCIL

• Mr. GRASSLEY. Mr. President, on the occasion of the 50th Birthday of the Girl Scouts of Conestoga Council, I would like to congratulate this fine organization.

Conestoga Council was formed in 1951 and presently serves nearly 4,000 girls in a twelve-county area in Northeast Iowa. The Council delivers traditional Girl Scout programming through troop meetings and activities, camp opportunities and educational learning. In addition, the Council supports eight in-school out reach programs for girls of diverse ethnic and cultural backgrounds. The Council has broadened its delivery approach by partnering with the Winnebago Council of Boy Scouts of America to offer day camp activities and experiences through Camp Quest to hundreds of children who would not otherwise have the opportunity to participate.

The Council continues to fulfill its mission of helping girls grow strong with the assistance of hundreds of volunteers throughout Eastern Iowa. Thousands of girls' lives have been touched and enriched through their experience with the Conestoga Council.

Again, I would like to express my congratulations to the Girl Scouts of Conestoga Council for reaching this milestone and I wish them all the best as they continue to serve girls in Northeast Iowa.•

TRIBUTE TO COLONEL PAUL W. ARCARI, U.S. AIR FORCE, RETIRED

• Mr. WARNER. Mr. President, I rise today to pay tribute to Colonel Paul Arcari, United States Air Force, Retired—in recognition of his distinguished service to his country.

For nearly 46 years, first for 30 years in the Air Force, and later for The Retired Officers Association, Colonel Arcari has worked tirelessly for the men and women of the military.

Born in Manchester, CT, he entered the Air Force as a second lieutenant in 1955 and earned his navigator wings the following year. He amassed 4,400 flying hours with the Military Airlift Command, including 418 combat missions in Southeast Asia in the late sixties.

In 1969 Colonel Arcari was assigned as legislative analyst in the Office of the Secretary of Defense and Headquarters, U.S. Air Force. During the next 17 years, including 13 years as Chief of the Air Force Entitlements Division, Colonel Arcari earned the reputation as the Department of Defense's preeminent authority on military compensation matters. In addition to helping craft the All-Volunteer Force pay table and the military Survivor Benefit Plan, his inputs to the Senate Armed Services Committee proved invaluable in crafting the Nunn-Warner compensation enhancements that assisted in turning around the retention and readiness crisis of the late 1970's and early 1980's. He retired from active duty in February 1985.

Following retirement, Colonel Arcari joined The Retired Officers Association and served as Deputy Director and since 1990 as Director of Government Relations.

Under Colonel Arcari's professional stewardship, The Retired Officers Association has played a vital role as the principal advocate of legislative initiatives to improve readiness and the quality of life for all members of the uniformed service community—active, reserve, and retired, as well as their families.

Colonel Arcari has worked closely with, and has been a valuable resource for, the Senate Armed Services Committee as we enacted a wide range of much-needed improvements for our military personnel. His efforts in the areas of military compensation, retirement benefits, health care and fair cost-of-living adjustments, COLA, for

retired personnel and their families has been invaluable in improving long term retention of our armed forces. I am particularly gratified that during the past two years in which I have been privileged to serve as Chairman of the Senate Armed Services Committee I have been able to enact some of the most substantial quality-of-life enhancements for active, reserve, and retired service members and their families in decades. Colonel Arcari played an important role in this effort.

Colonel Arcari's long and unique career of leadership and personal dedication to fostering readiness by protecting every service member's welfare is an inspiration and a continuing lesson to all who care about our men and women of our military. My best wishes go with him. Colonel Arcari, I salute you on behalf of all the men and women, past and present, who wear the uniform.●

COAST GUARD CUTTER ''WOODRUSH''

● Mr. MURKOWSKI. Mr. President, I rise today to honor the men and women who have served aboard the United States Coast Guard Cutter *Woodrush*, WLB 407, homeported in Sitka, in my own state of Alaska.

On March 2, 2001, the USCGC *Woodrush* will be decommissioned, departing for Baltimore, MD. There, she is to be transferred to the navy of the Republic of Ghana.

Although she is the youngest of the 39 seagoing buoy tenders constructed during World War II, the *Woodrush* has logged nearly 57 years of service to our nation.

She was built for less than $1 million in Duluth, Minnesota, and commissioned on September 22, 1944. For thirty-five years she sailed from Duluth, servicing aids to navigation, conducting search and rescue missions, and icebreaking on the Great Lakes.

In 1979, she began a major refit at the Coast Guard shipyard in Baltimore. She has been homeported in Sitka since leaving the shipyard in 1980.

Woodrush's primary mission has been keeping aids to navigation in good condition. Her crew maintained 165 shore lights and 69 buoys throughout the 2,000 square-mile Southeastern Alaska panhandle. The work of the *Woodrush* has been crucial to the safety of the thousands of tugboats, fishing vessels, ferries, pleasure boats and cruise ships that navigate those sometimes treacherous waters each year.

USCGC *Woodrush* also participated in several notable search and rescue missions. She was one of the first ships to arrive on the scene of the wreck of the *Edmond Fitzgerald* in 1975, when the ore freighter went down with all hands in a violent storm on Lake Superior. Her sonar located two large pieces of wreckage, and she served as a platform for the U.S. Navy's Controlled Underwater Recovery Vehicle, which found the sunken hull.

In 1980, *Woodrush* responded to the uncontrolled fire and eventual loss of the cruise ship *Princendam* off Graham Island, British Columbia. The efforts of *Woodrush* and her crew, as well as other rescue units, led to the successful rescue of all passengers and crew, with no loss of life.

In August 1993, *Woodrush* assisted the 248-foot cruise ship, M/V *Yorktown Clipper*, after it ran aground. *Woodrush* crewmembers helped control the flooding and ensured that all 130 passengers were taken safely off the vessel.

Not all of the crew's adventures were at sea. In the summer of 1994, personnel from *Woodrush* helped extinguish a dangerous fire in the small community of Tenakee, Alaska. Their efforts helped keep the fire from spreading out of control in the 30-knot winds.

Protection of the environment is yet another of the Coast Guard's many missions. Over the years, *Woodrush* has contributed in many ways, including service as one of the numerous Coast Guard vessels that responded to the 1989 *Exxon Valdez* oil spill in Prince William Sound. Each year, the *Woodrush* crew has trained to handle future accidents. It is reassuring to know that their skills have not been needed to date, but even more so to know they have been, like the Coast Guard's motto, ''Always Ready.''

During her 57 years of service, the *Woodrush* and her crew earned several awards, including the Meritorious Unit Commendation, the American Campaign Service Ribbon, the World War II Service Ribbon, and the National Defense Medal. *Woodrush* was a Bronze Winner of the Coast Guard Commandant's Quality Award in both 1997 and 1998 and, in 1997, she also won the Coast Guard Foundation's Admiral John B. Hayes Award. The Hayes Award honors the Pacific Area unit that best demonstrates the commitment to excellence and professionalism embodied in the traditions of the United States Coast Guard.

USCGC *Woodrush* will service her last aid to navigation on February 27. To all the men and women who have served as her crew, I extend my thanks and appreciation. Your faithful attention to duty—guiding mariners to safety, aiding citizens in distress, and defending all the interests of the United States will be remembered. You have truly been Semper Paratus.●

TRIBUTE TO LAURA STEPHAN

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Laura Stephan of Merrimack, New Hampshire, for being honored with the ''President's Award'' from the Merrimack Chamber of Commerce.

Laura has served the citizens of Merrimack selflessly with enthusiasm and loyalty. Her demonstrated ability to continuously provide high quality assistance in all aspects of Chamber activities is commendable.

Laura is a graduate from the State University of New York in Albany with a Liberal Arts degree. She is the Treasurer of the State of New Hampshire Women's Council of Realtors and is an active member of the Nashua Chapter of the Women's Council of Realtors who has received the ''Affiliate of the Year Award'' from the Greater Nashua Board of Realtors.

Active in numerous community projects, Laura has served as the President of the American Stage Festival Theater Guild and as a member of its Board of Trustees. She is also an active member and committee chairperson for Merrimack Friends and Family.

Laura and her husband, Gary, reside in Merrimack. She is a passionate volunteer for the Humane Society of Nashua and is committed to promoting a better quality of life in the community.

Laura has enthusiastically provided dedicated service to her local community and to the people of New Hampshire. It is an honor to represent her in the U.S. Senate.●

MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2. An act to establish a procedure to safeguard the combined surpluses of the Social Security and Medicare hospital insurance trust funds.

H.R. 524. An act to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry.

H.R. 544. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

H.R. 559. An act to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the ''John Joseph Moakley United States Courthouse.''

The message also announced that the House passed the following bill, without amendment:

S. 279. An act affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee.

The message further announced the House agreed to the following concurrent resolutions in which it requests the concurrence of the Senate:

H. Con. Res. 28. A concurrent resolution providing for a joint session of Congress to receive a message from the President.

H. Con. Res. 32. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that pursuant to section 1505 of Public Law 99–498 (20 U.S.C. 4412), the Speaker appoints the following Members of the House of Representatives to the Board of Trustees of the Institute of American Indian Native Culture and Arts Development: Mr. YOUNG of Alaska and Mr. KILDEE of Michigan.

The message further announced that pursuant to sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43), the Speaker appoints the following Members of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. REGULA of Ohio, Mr. SAM JOHNSON of Texas, and Mr. MATSUI of California.

The message also announced that pursuant to section 103 of Public Law 99–371 (20 U.S.C. 4303), the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of Gallaudet University: Mr. LAHOOD of Illinois.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2. An act to establish a procedure to safeguard the combined surpluses of the Social Security and Medicare hospital insurance trust funds; to the Committee on Finance.

H.R. 524. An act to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry; to the Committee on Commerce, Science and Transportation.

H.R. 554. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–632. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia ; Post Rate-of-Progress Plans, One-Hour Ozone Attainment Demonstrations and Attainment Date Extension for the Metropolitan Washington, D.C. Ozone Nonattainment Area; Correction'' (FRL6943–9) received on February 8, 2001; to the Committee on Environment and Public Works.

EC–633. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; Correction'' (FRL6941–1) received on February 8, 2001; to the Committee on Environment and Public Works.

EC–634. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Uses of Certain Chemical Substances; Delay of Effective Date'' (FRL6769–7) received on February 8, 2001; to the Committee on Environment and Public Works.

EC–635. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Opacity Recodifications and Revisions to Visible Emissions Requirements COMAR 26.11.06.02'' (FRL6916–6) received on February 6, 2001; to the Committee on Environment and Public Works.

EC–636. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; New Source Review Regulations'' (FRL6922–8) received on February 6, 2001; to the Committee on Environment and Public Works.

EC–637. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Enhanced Motor Vehicle Inspection and Maintenance Program'' (FRL6913–3) received on February 6 , 2001; to the Committee on Environment and Public Works.

EC–638. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Environmental Program Grants for Tribes , Final Rule: Delay of Effective Date'' (FRL6943–5) received on February 6, 2001; to the Committee on Environment and Public Works.

EC–639. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Uses of Certain Chemical Substances; Delay of Effective Date'' (FRL6769–7) received on February 6, 2001; to the Committee on Environment and Public Works.

EC–640. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Risk-Informed Decision Making in License Amendment Reviews'' (RIS2001–02) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–641. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Zayante Bad-Winged Grasshopper'' (RIN1018–AG28) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–642. A communication from the Acting Director of the Fish and Wildlife Service, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Morro Shoulderband Snail'' (RIN1018–AG27) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–643. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Status for Mountain Plover'' (RIN1018–AF35) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–644. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Arroyo Toad'' (RIN1018–AG15) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–645. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Charlotte, NC)'' (Docket No. 00–178) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–646. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Columbia City, Florida)'' (Docket No. 97–252) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–647. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Video Description of Video Programming, Report and Order'' (Docket No. 99–339) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–648. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Video Description of Video Programming'' ((Docket No. 99–339)(FCC No. 01–7)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–649. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of the Commissions Regulations

Governing Attribution of Broadcast and Cable/MDS Interests, MM 94–150; Review of the Commission Regulations and Policies Affecting Investment In the Broadcast Industry, MM 92–51; Reexamination of the Commission's Cross-Interest Policy, MM 87–154'' (FCC No. 00–438) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–650. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Creation of Low Power Radio Service'' (Docket No. 99–25) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–651. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 2 of the Commission's Rules to Allocate Additional Spectrum to the Inter-Satellite, Fixed, and Mobile Services and to Permit Unlicensed Devices to Use Certain Segments in the 50 .2–50.4 GHz and 51.4–71.0 GHz Bands'' (Docket No. 99–261) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–652. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Rules With Regard to the 3650–3700 MHz Government Transfer Band'' (Docket No. 98–237) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–653. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range'' (Docket No. 98–206) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–654. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Update of Drug and Alcohol Procedural Rules (Section 610 Review)'' (RIN2105–AC49) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–655. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Update of Drug and Alcohol Procedural Rules (Section 610 Review)'' (RIN2105–AC49) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–656. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Guides for the Jewelry , Precious Metals and Industries, 16 C.F.R. Part 23'' received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–657. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Amplifier Rule 16 C.F .R. Part 432'' (RIN3084–AA81) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–658. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Premerger Notification ; Reporting and Waiting Period Requirements Interim Rules with Request for Comment'' (RIN3084–AA23) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–659. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Indian Mountain, AK'' ((RIN2120–AA66)(2001–0030)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–660. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regattas and Marine Parades'' ((RIN2115–AF17)(2001–0001)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–661. A communication from the Chief of the Network Services Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Numbering Resource Optimization, Second Report and Order, Order on Reconsideration in CC Docket No. 96–98 and CC Docket No. 99–200, FCC 00–429'' received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–662. A communication from the Deputy Chief of the Network Service Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of 2000 Biennial Regulatory Review of Part 68 of the Commission's Rules and Regulations'' (Docket No. 99–216) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–663. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Hillsborogh River (CGD07–01–002)'' (RIN2115–AE47) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–664. A communication from the Deputy Assistant Chief Counsel of the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Power Brake Regulations: Freight Power Brake Revisions: Delay of Effective Date'' (RIN2130–AB16) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–665. A communication from the Associate Bureau Chief of the Wireless Telecommunications Bureau, Policy Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems'' (Docket No. 94–102) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–666. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Harmonization with the United National Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions'' (RIN2137–AD41) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–667. A communication from the Trial Attorney for the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Locational Requirement for Dispatching of United States Rail Operations'' (RIN2130–AB38) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

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. THOMAS (for himself and Mr. HELMS):

S. 322. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 323. A bill to amend the Elementary and Secondary Education Act of 1965 to establish scholarships for inviting new scholars to participate in renewing education, and mentor teacher programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SHELBY:

S. 324. A bill to amend the Gramm-Leach-Bliley Act, to prohibit the sale and purchase of the social security number of an individual by financial institutions, to include social security numbers in the definition of nonpublic personal information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST (for himself, Mr. DEWINE, Mr. DURBIN, Mrs. MURRAY, and Mr. THURMOND):

S. 325. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself, Mr. BOND, Mr. KERRY, Mr. REED, Mr. JEFFORDS, Mr. ROBERTS, Mr. LEVIN, Mr. HUTCHINSON, Mrs. MURRAY, Mr. ENZI, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mr. SANTORUM, Mr. CHAFEE, Mr. DEWINE, Mr. HELMS, Mrs. HUTCHISON, Mr. SPECTER, Mr. MURKOWSKI, Ms. SNOWE, Mr. WARNER, Mr. GREGG, Mrs. CARNAHAN, Mr. LUGAR, and Mr. COCHRAN):

S. 326. A bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas; to the Committee on Finance.

By Mr. REED (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. DODD, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, Ms. MIKULSKI, Mrs. CLINTON, Mr. CHAFEE, Mr. ROCKEFELLER,

Mr. REID, Mr. SARBANES, and Mr. BAUCUS):

S. 327. A bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, and Mr. BREAUX):

S. 328. A bill to amend the Coastal Zone Management Act; read the first time.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. GRAHAM):

S. 329. A bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI:

S. 330. A bill to expand the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and non-powder firearms; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. KERRY, and Ms. MIKULSKI):

S. 331. A bill to amend the Internal Revenue Code of 1986 to incorporate certain provisions of the Women's Health and Cancer Rights Act of 1998; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. REID):

S. 332. A bill to provide for a study of anesthesia services furnished under the medicare program, and to expand arrangements under which certified registered nurse anesthetists may furnish such services; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. ROBERTS, Mr. MCCONNELL, and Mr. BURNS):

S. 333. A bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. WYDEN, Mr. SESSIONS, and Mr. WARNER):

S. 334. A bill to provide for a Rural Education Initiative; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself, Mr. GRAHAM, Mr. BUNNING, Mr. DEWINE, Mr. WARNER, and Mr. LUGAR):

S. 335. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses, and for other purposes; to the Committee on Finance.

By Mr. BOND:

S. 336. A bill to amend the Internal Revenue Code of 1986 to allow use of cash accounting method for certain small businesses; to the Committee on Finance.

By Mr. DOMENICI:

S. 337. A bill to amend the Elementary and Secondary Education Act of 1965 to assist State and local educational agencies in establishing teacher recruitment centers, teacher internship programs, and mobile professional development teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself and Mr. REID):

S. 338. A bill to protect amateur athletics and combat illegal sports gambling; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. FRIST, Mr. SESSIONS, Mr. BREAUX, Ms. LANDRIEU, and Mr. BAYH):

S. 339. A bill to provide for improved educational opportunities in rural schools and districts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mrs. BOXER, Mr. SANTORUM, Mr. MURKOWSKI, Mr. COCHRAN, Mr. JOHNSON, Mrs. MURRAY, Mr. FITZGERALD, Mr. SCHUMER, Mr. HARKIN, Mr. REED, Mr. SARBANES, Mr. THOMAS, Mr. LUGAR, Mr. LIEBERMAN, Ms. SNOWE, Mr. BIDEN, Mr. BYRD, Mr. SHELBY, Mr. INOUYE, Mr. DURBIN, Mr. JEFFORDS, Mr. GREGG, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. CLELAND, Mr. KERRY, Mr. DODD, Mr. GRAHAM, Mr. TORRICELLI, Mr. INHOFE, Mr. ROCKEFELLER, Mr. WARNER, Mr. LEVIN, Mr. DEWINE, Mr. BINGAMAN, Mr. BENNETT, Mr. KOHL, Mr. STEVENS, Mr. DOMENICI, Mr. THOMPSON, Mr. GRASSLEY, Mr. SMITH of Oregon, Mr. SESSIONS, Mr. HAGEL, Mr. ENZI, Mr. BREAUX, Mr. EDWARDS, Mr. CORZINE, Mrs. HUTCHISON, and Mr. REID):

S. Res. 20. A resolution designating March 25, 2001, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. LEAHY, Mr. LOTT, and Mr. LIEBERMAN):

S. Res. 21. A resolution directing the Sergeant-at-Arms to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents; to the Committee on Rules and Administration.

By Mr. HUTCHINSON (for himself, Mr. WELLSTONE, Mr. HELMS, Mr. TORRICELLI, Ms. COLLINS, Mr. DAYTON, Mr. SMITH of New Hampshire, Mr. KYL, Mr. SPECTER, Mr. FEINGOLD, Mr. HARKIN, and Mr. SANTORUM):

S. Res. 22. A resolution urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the Peoples Republic of China to end its human rights violations in China and Tibet, and for other purposes; to the Committee on Foreign Relations.

By Mr. CLELAND (for himself, Mr. MILLER, and Mr. HOLLINGS):

S. Res. 23. A resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. HUTCHINSON, Mr. DOMENICI, Mr. VOINOVICH, and Mr. COCHRAN):

S. Res. 24. A resolution honoring the contributions of Catholic schools; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. CRAIG, Mr. BINGAMAN, and Mr. CRAPO):

S. Con. Res. 11. A concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. FRIST, Mr. KENNEDY, Mr . SANTORUM, Mr. SPECTER, Mr. DORGAN, Ms. MIKULSKI, Mr. DEWINE, Mr. HAGEL, Mr. KERRY, Ms. COLLINS, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. LEVIN, Mr. BIDEN, Mr. CLELAND, Mr. FEINGOLD, Mr. ENZI, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. INOUYE, Mr. TORRICELLI, Mr. GRAHAM, Mr. REID, Mrs. CLINTON, Mr. DODD, Mr. BREAUX, Mr. KOHL, and Mrs. LINCOLN):

S. Con. Res. 12. A concurrent resolution expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation, and supporting National Donor Day; considered and agreed to.

By Mr. DEWINE (for himself, Mr. HELMS, Mr. DODD, Mr. MCCAIN, Mr. LOTT, Ms. LANDRIEU, Mr. GRASSLEY, Mr. BREAUX, Mr. CHAFEE, Mr. VOINOVICH, and Mr. LEAHY):

S. Con. Res. 13. A concurrent resolution expressing the sense of Congress with respect to the upcoming trip of President George W. Bush to Mexico to meet with the newly elected President Vicente Fox, and with respect to future cooperative efforts between the United States and Mexico; considered and agreed to.

By Mr. CAMPBELL (for himself and Mr. KOHL):

S. Con. Res. 14. A concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Mr. HELMS):

S. 322. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise today to introduce the no net loss of private lands bill. This legislation has to do with acquisition of lands by the Federal Government, particularly lands to be acquired by the Federal Government in the West. This is a commonsense proposal, I believe, to Federal land acquisitions in public land States of the West.

The Federal Government continues to acquire large amounts of land throughout the Nation. In many instances, it is justified. There are many

reasons why land should be acquired, but there does become a question of how much land in any given State will belong to the Federal Government.

In almost every State, officials and concerned citizens are saying we need to address this question of public land needs before we continue to increase the holdings of the Federal Government. The Federal Government is not always the best neighbor of the people in the West, largely because so much land in our States—in my State, 50 percent of the State—belongs to the Federal Government. Even though everyone wants to protect the lands, and that is an obligation we all have, we also have an opportunity for the most part to use these lands in multiple use. We should be able to have both access for hunting, fishing, grazing, for visitation and camping, and use the lands for other economic activity in such a way that we can protect the environment.

What we have run into from time to time is the effort to lock up the public lands and restrict access. We find this happening in a number of ways, including excessive emphasis on roads, where people cannot have access to the lands they occupy.

Interestingly enough, we hear from all kinds of people. Often they say it is the oil companies. As a matter of fact, it is often disabled veterans. For example, they say they would like to go into the back country and get into some of the public lands, but if we don't have highway access for doing that, it is impossible.

This setting aside and this decision-making that comes from the top down creates great hardships for many local communities, destroys jobs, and depresses the economy in many places around the West. As we provide funds—and there is always a proposition to provide automatic funding for acquisition—it threatens the culture, it threatens the economics of many of our States and local governments, and the rights of individual property owners throughout the Nation. Even this proposed language would put constraints on mandatory spending and Federal land acquisition. If we don't do that, we will see it increasing at a faster and faster pace.

How does it work? The bill limits the amount of private land the Federal Government acquires in States where 25 percent or more now belongs to the Federal Government. When a Federal Government has reason, and they will have reasons to purchase 100 acres or more, it will require disposing of an equal value of amount away from Federal ownership. If there is 40-percent Federal ownership in your State, and there were good reasons to acquire more, there would have to be an exchange of lands so the 40-percent factor continues.

Fifty percent of Wyoming and much of the West is already owned by the Federal Government. Many people throughout the country don't realize that. They know about Yellowstone Park. But much of the State was left in Federal ownership when the homestead proposition was completed and these lands were never really set aside for value of the land. They were just there when this homestead stopped. They came under Federal ownership, not because of any particular reason but because that is the way it was at that time.

I think it is time for the Federal Government to make a move to protect private property owners and use restraint in terms of land acquisition. The no net loss of private lands acquisition bill will provide that discipline. As I mentioned, this amendment does not limit the ability to acquire pristine or special areas in the future, areas that have a particular use and that use should be under Federal ownership. They can continue to acquire more land in many areas. But in order to do that, as I mentioned, there would have to be some trading.

Regarding the Federal land ownership pattern, I suppose many people expected more, but in Alaska almost 68 percent of the State belongs to the Federal Government. Even in Arizona, as highly populated as it is, almost half, 47 percent, is Federally owned. In Colorado, it is 36 percent; in Idaho, 61 percent of the State is in Federal ownership; the number in Montana is 28 percent, and Nevada is 83 percent federally owned. Really, you could make a case that much of this land could be better managed by local or State governments or if it were in the private sector. In New Mexico, the percentage of Federal land ownership is 33 percent; Oregon, 52; Utah, 64; Washington, 29; and Wyoming, 49 percent.

So we are talking about providing an opportunity for the Federal Government to continue to acquire those lands if there is good reason to do that, but to recognize the impact that it does have on private ownership, on the economy, and on the culture of the states. We have some offsets.

In our State, we have 23 counties. They are quite different, but in some of those counties—for instance, my home county, Ark County, Cody, WY, which is right outside of Yellowstone Park—82 percent of that county belongs to the Federal Government. In Teton County, next to Yellowstone, it is 96 percent. Four percent of Teton's land is in non-Federal ownership.

I think this is a reasonable thing to do. It certainly does not preclude the acquisition of lands the Federal Government has a good reason to acquire. It simply says if you want to acquire some, let's take a look at the other 50 percent that you already own of the State and see if we can't dispose of something in equal value.

By Mr. SHELBY:

S. 324. A bill to amend the Gramm-Leach-Bliley Act, to prohibit the sale and purchase of the social security number of an individual by financial institutions, to include social security numbers in the definition of nonpublic personal information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to introduce the Social Security Privacy Act of 2001. This legislation would prohibit the sale and purchase of an individual's Social Security number by financial institutions and include Social Security numbers as ''nonpublic personal information'' thereby subjecting the sharing of Social Security numbers to the privacy protections of the Gramm-Leach-Bliley Act.

I believe Congress has a duty to stop Social Security numbers from being bought and sold like some common commodity. While the Social Security number was created by the federal government to track workers' earnings and eligibility for Social Security benefits, we all recognize that it has become something much more than that. The number is now the key to just about all the personal information concerning an individual.

There was never any intention or consideration for financial institutions to use a person's social security number as a universal access number. Such easy access and extreme availability of personal information leads to adverse consequences including fraud, abuse, identity theft and in the most extreme cases—staking and death.

While Congress waits to act, the number of incidents involving identity theft are rapidly increasing. In fact, last year the Washington Post, reported that ''ID Theft Becoming Public Fear No. 1.'' The New York Times noted that, ''Law enforcement authorities are becoming increasingly worried about a sudden, sharp rise in the incidence of identity theft, the outright pilfering of peoples personal information for use in obtaining credit cards, loans and other goods.''

Not only is identity theft happening more often, recent events confirm that no one is immune from this problem. Just last month, a California man was convicted of using Tiger Woods' Social Security number to obtain credit cards that he used to run up more than $17,000 in charges in Mr. Woods' name.

Identity theft can affect anyone. It is extremely serious. It costs our economy hundreds of millions of dollars each year. Once it occurs, it is very difficult for the victim to restore his or her good name and credit rating. The incidences of identity theft are growing at an ever increasing pace.

Now, how does identity theft relate to the average financial institution? In 1999, a reputable Fortune 500 company, U.S. Bancorp, legally sold account information—including Social Security

numbers—of one million of its customers to MemberWorks, a telemarketer of membership programs that offer discounts on such things as travel to health care services. Now some may believe we stopped such activity by including a provision, Section 502 (d), in the Gramm-Leach-Bliley Act limiting the ability of institutions to share account information with telemarketers.

That provision, however, does not stop a financial institution from buying and selling individual Social Security numbers. Indeed, it is even legal to sell individual's birth date, and mother's maiden name. If you have those three things, you have the keys to the kingdom—not to mention any and every account that individual has.

The evolution of technology is making the collection, aggregation, and dissemination of vast amounts of personal information easier and cheaper. The longer we wait to act on this very important issue—an issue that is supported by a vast majority of Americans—the more the American people lose confidence in the U.S. Congress and out ability to lead.

This legislation would basically prohibit the sale and purchase of an individual's Social Security number. I do not know anyone in this country that believes financial institutions should be making a profit by trafficking individual's Social Security numbers. While financial institutions have used the Social Security number as an identifier, the sale and purchase of these numbers facilitates criminal activity and can result in significant invasions of individual privacy.

In addition, my legislation would include Social Security numbers as ''nonpublic personal information'' for the purpose of the Gramm-Leach-Bliley Act, thereby subjecting the sharing of Social Security numbers to the privacy protections in that Act. Current regulations say that Social Security numbers are not considered nonpublic personal information if the number is ''publicly available,'' as in bankruptcy filings, etc.

I just cannot find a reason as to why Congress should aid and abet criminals in attaining individual Social Security numbers by having a law on the books that treats Social Security numbers as ''public information.'' Indeed, no American would agree the public good is being served by making their personal Social Security number available for anyone who wants to see it.

For those of you who are concerned that this legislation would hinder a financial holding company from sharing information among its affiliates, fear not. This legislation does not limit a financial institution's ability to share an individual's Social Security number among affiliates in any way.

I hope my colleagues will join me in protecting the Social Security numbers.

By Mr. FRIST (for himself, Mr. DEWINE, Mr. DURBIN, Mrs. MURRAY, and Mr. THURMOND):

S. 325. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FRIST. Mr. President, I am pleased today to introduce the Gift of Life Congressional Medal Act of 2001. This legislation, which does not cost taxpayers a penny, will recognize the thousands of individuals each year who share the gift of life through organ donation. Moreover, it will encourage potential donors and enhance public awareness of the importance of organ donation to the over 74,000 Americans waiting for a transplant.

In 1999, there were almost 22,000 transplants—a large increase over the roughly 13,000 transplants performed ten years ago. However, the demand for transplants has skyrocketed, more than tripling in the past ten years.

As a heart and lung transplant surgeon, I saw one in four of my patients die because of the lack of available donors, and more and more patients waiting for an organ transplant die each year before they can receive an organ. More than 6000 patients died in 1999 before they could receive a transplant. Since 1988, more than 38,000 patients have died because of the lack of organ donors. There are simply not enough organ donors; public awareness has not kept up with the rapid advances of transplantation. It is our duty to do all we can to raise awareness about the gift of life.

Last fall, the Department of Health and Human Services announced an increase of nearly 4 percent in organ donation levels. While I was pleased to see this news, this is only a small step towards addressing our nation's organ shortage. Much more remains to be done.

The Gift of Life Congressional Medal Act will make each donor or donor family eligible to receive a commemorative Congressional medal. This creates a tremendous opportunity to honor those sharing life through donation and increase public awareness of this issue.

Recent years have witnessed a tremendous coalescing on both sides of the aisle around the importance of awakening public compassion and awareness of those needing organ transplants. I appreciate the growing support for this issue and look forward to working with my colleagues to encourage people to give life to others.

By Ms. COLLINS (for herself, Mr. BOND, Mr. KERRY, Mr. REED, Mr. JEFFORDS, Mr. ROBERTS, Mr. LEVIN, Mr. HUTCHINSON, Mrs. MURRAY, Mr. ENZI, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mr. SANTORUM, Mr. CHAFEE, Mr. DEWINE, Mr. HELMS, Mrs. HUTCHISON, Mr. SPECTER, Mr. MURKOWSKI, Ms. SNOWE, Mr. WARNER, Mr. GREGG, Mrs. CARNAHAN, Mr. LUGAR, and Mr. COCHRAN):

S. 326. A bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join with Senators BOND, REED, JEFFORDS, KERRY, ROBERTS, MURRAY, HUTCHINSON, LEVIN, ENZI, MIKULSKI, SANTORUM, HUTCHISON, CHAFEE, DEWINE, HELMS, SPECTER, MURKOWSKI, WARNER, BOB SMITH, LUGAR, SNOWE, and others in introducing the Home Care Stability Act of 2001 to eliminate the automatic 15 percent reduction in Medicare payments to home health agencies that is currently scheduled to go into effect on October 1, 2002. The legislation we are introducing this morning will also extend the temporary 10 percent add-on payment for home health patients in rural areas to ensure that these patients continue to have access to care.

Health care has gone full circle. Patients are spending less time in the hospital. More and more procedures are being done on an outpatient basis, and recovery and care for patients with chronic diseases and conditions has increasingly been taking place in the home. Moreover, the number of older Americans who are chronically ill or disabled in some way continues to grow each year.

Concerns about how to care effectively and compassionately for these individuals will only multiply as our population ages and as it is at greater risk for chronic disease and disability.

As a consequence, home health care has become an increasingly important part of our health care system. The kind of highly skilled and often technically complex services that our Nation's home health agencies provide have enabled millions of our most frail and vulnerable senior citizens to avoid hospitals and nursing homes and to receive the care they need just where they want to be: in the security, privacy, and comfort of their own homes.

By the late 1990s, home health care was the fastest growing component of Medicare spending. The program was growing at an average annual rate of 25 percent. For this reason, Congress and the administration, as part of the Balanced Budget Act of 1997, initiated changes that were intended to slow the growth in spending and make the program more cost-effective and efficient.

These measures, however, have unfortunately produced cuts in home health care spending that were far, far

beyond what Congress ever intended. According to preliminary estimates by the CBO, home health care spending dropped to $9.2 billion last year, half the amount that was being spent just 3 years earlier, in 1997.

On the horizon is yet an additional 15-percent cut that would put many of our already struggling home health agencies at risk and which would seriously jeopardize access to critical home health services for millions of our Nation's seniors.

It is now crystal clear that the savings goals set for home health in the Balanced Budget Act of 1997 have not only been met, but far exceeded. The most recent CBO projections show that the post-Balanced Budget Act reductions in home health will be about $69 billion between fiscal years 1998 and 2002. That is more than four times the $16 billion the CBO originally estimated for that time period, and it is a clear indication that the Medicare home health cutbacks have been far deeper and far more wide-reaching than Congress ever intended.

As a consequence, we have home health agencies across the country that are experiencing acute financial difficulties and cashflow problems. These financial difficulties are inhibiting their ability to deliver much needed care. Approximately 3,300 home health agencies have either closed or stopped serving Medicare patients nationwide—3,300, Mr. President. That is how deep these cuts were.

Moreover, the Health Care Financing Administration estimates that 900,000 fewer home health patients received services in 1999 than in 1997. This points to the most central and important consequence of these cuts. The fact is that cuts of this magnitude simply cannot be sustained without adversely affecting the quality and availability of patient care.

The effects of these regulations and cuts have been particularly devastating in my home State of Maine. The number of home health patients in Maine dropped from almost 49,000 to 37,545. That is a change of 23 percent. This means there are 11,000 senior citizens or disabled citizens in Maine who are no longer receiving home health services.

What has happened to those 11,000 individuals? I have talked with patients, and I have talked with home health nurses throughout the State of Maine, and I found that many of these patients have ended up going into nursing homes prematurely. Others have been repeatedly hospitalized with problems that could have been avoided had they been continuing to receive their home health benefits. Still others are trying to pay for the care themselves, often on very limited means. And yet others are going without care altogether.

A home health nurse in Saco, ME, told me of a patient who she believes ultimately died because she lost her home health benefits. She lost those nurses coming to check on her condition. The result was that she developed an infection that the home health nurse undoubtedly would have caught. The result was a tragedy in this case.

We have seen a 40-percent drop in the number of visits in the State of Maine and a 31-percent cut in Medicare reimbursements to home health agencies.

Keep in mind that Maine's home health agencies have historically been very prudent in their use of resources. They were low cost to begin with. The problem is, when you have cuts of these magnitudes imposed on agencies that are already low-cost providers, they simply cannot sustain the cuts and continue to deliver the services that our seniors need.

The real losers in this situation are our Nation's seniors, particularly those sicker Medicare patients with complex care needs who are already experiencing difficulty in getting the home care services they deserve.

I am very concerned that additional deep cuts are already on the horizon. As I mentioned, on October 1, 2002, an additional automatic 15-percent cut is scheduled to go into effect. We need to act.

Last year we passed legislation, the Medicare, Medicaid, and S–CHIP Benefits Improvement and Protection Act, which did provide a small measure of relief to our Nation's struggling home health agencies. It did, for example, delay by another year the 15-percent cut I have discussed this morning, but I do not think that goes far enough. The automatic reduction should be eliminated completely. We do not need it to achieve the savings estimated by the Balanced Budget Act. Those have already been far surpassed, and the implications for health care for some of our most frail and ill senior citizens are enormous.

The fact is, an additional 15-percent cut in Medicare home health payments would ring the death knell for those low-cost agencies which are currently struggling to hang on, and it would further reduce our seniors' access to critical home care services.

This is the fourth year we have fought this battle. To simply keep delaying this cut by yet another year is to leave a sword of Damocles hanging over our home health system. It makes it very difficult for our home health agencies to plan how they are going to serve their Medicare patients in the future. It encourages them to turn away patients who are going to be very expensive to care for, and it forces us to spend valuable time, energy, and resources fighting for repeal every single year—time and resources that would far better be spent ensuring the success of the Medicare home health prospective payments system.

The legislation we are introducing today would once and for all eliminate the automatic cut. It would also make permanent the temporary 10-percent add-on for home health services furnished patients in rural areas. That was included in the legislation last year. We would make it permanent.

As the Presiding Officer well knows, it is sometimes very expensive for home health agencies to deliver services to rural patients. They have to travel long distances, and it takes a long time to reach those patients. That all adds to the cost. In fact, surveys show that the delivery of home health services in rural areas can be as much as 12 to 15 percent more costly because of the extra travel time required, higher transportation expenses, and other factors.

This provision will ensure that our seniors living in rural areas continue to have access to critical high-quality home health services.

Mr. President, the Home Health Care Stability Act will provide a needed measure of relief and certainty for cost-efficient home health agencies across the country that are experiencing acute financial problems that are inhibiting their ability to deliver much needed care, particularly to chronically ill Medicare patients with complex care needs. I urge all of my colleagues to join us in cosponsoring this important legislation.

Let's get the job done once and for all this year. Let's repeal that 15-percent cut that otherwise would go into effect. Let's remove that uncertainty that is hanging over our home health agencies, and let's recommit ourselves to providing quality home health care benefits to our seniors and our disabled citizens.

Mr. BOND. Mr. President, I rise today to join with my colleague from Maine, Senator COLLINS, to introduce legislation that addresses the ongoing crisis in home health care. Twenty-two of our colleagues join with us today to offer the Home Health Payment Fairness Act to deal with this crisis and to try to ensure that seniors and disabled Americans have appropriate access to high-quality home health care.

Home health care is an important part of Medicare in which seniors and the disabled can get basic nursing and therapy care in their home, if their health or physical condition makes it almost impossible to leave home. Often home health is an alternative to more expensive services that may be provided in a hospital or a skilled nursing facility—and thus is a cost-effective way to provide needed care.

It is convenient, but much more importantly, patients love it. They love it because home health care is the key to fulfilling what is virtually a universal desire among seniors and those with disabilities—to remain independent and within the comfort of their own homes despite their health problems.

Yet we have a crisis in home health—too many seniors who could and should

be receiving home health are not getting it. They may be suffering, in their home, without getting the health care they need. Or, they may be getting care, but only because they have been forced into a nursing home rather than being able to stay in the comfort and the dignity of their home. Either way, they are not getting the most appropriate care—and this is tragic.

As with so many other problems with Medicare in the last few years, the problem comes from two sources—the Balanced Budget Act, and the Health Care Financing Administration.

We all know the basic story by now—in an effort to balance the budget, Congress in the BBA tried to cut the growth in Medicare spending. Yet the real-world results went much further than we intended—partially because of things beyond anyone's control, but largely due to faulty implementation and the excessive regulatory zeal of HCFA. As the cuts and regulation went out-of-control, health care providers struggled to survive, but many were forced to close entirely or to stop serving Medicare. This harmed patients because they lost care options that had been available previously.

This basic storyline applies to patients and providers in all parts of Medicare—hospitals, nursing homes, home health care—everyone. But there are two things that distinguish the home health crisis from all of the other problems that stem from the Balanced Budget Act.

First and most importantly, no other group of Medicare patients and providers have endured as many difficulties. This is a big claim, given the many horror stories we've heard about the Balanced Budget Act. But absolutely nobody has suffered like home health patients and home health agencies. The numbers don't lie.

Two years after the Balanced Budget Act, almost 900,000 fewer seniors and disabled Americans were receiving home health care than previously. That's upwards of a million patients—one of every four who had been receiving home health—who simply disappeared from the world of home care. Unfortunately, the explanation is not a miraculous improvement in the health of our nation's seniors that drastically reduced the need for home health care. No, almost one million fewer people were receiving home care because the help just wasn't available.

This is partly because more than 3,300 of the nation's 10,000 home health agencies have either gone out-of-business, or have stopped serving Medicare patients. That's one-third of the home health providers—gone. Can you imagine the outrage we would have in this country if one-third of the hospitals simply disappeared?

In some areas, this hasn't been a major problem because there were other local home health agencies to pick up the slack. But in many parts of America—particularly in rural America—this has led to a serious problem of getting access to care.

In one sense, what's bad for the patient is good for the budget. Medicare home health spending has actually gone down for three straight years—dropping by 46 percent from 1997 and 2000. In Medicare, these types of cuts in spending are absolutely unprecedented. No other type of health care service in Medicare has ever seen drastic cuts like this. Remember, our goal in the Balanced Budget Act was to slow down the growth of the program, not to slash almost half of the spending out of vital services like home health care. In 1997, we envisioned $16 billion in savings from home health over five years—but the most recent estimates show that we are on target to get $69 billion in savings, more then four times the target figure. This is not how anybody wanted to balance the federal budget.

No State has been spared this crisis, but the seniors and the disabled in my home state of Missouri have been particularly hard-hit. 27,000 fewer patients are receiving home care than before—that's a drop of 30 percent. And while Missouri had 300 home health agencies when the Balanced Budget Act passed, we now have just 161. That's almost 140 health care providers that Missourians need—but that are now gone.

All of this points to the fact that the breadth and the depth of the post-Balanced Budget Act problems are undeniably worse in home health care than any other part of Medicare. That's the first thing that distinguishes home care from other struggling Medicare providers.

The second thing that is unique about home health—the biggest cuts may be yet to come.

While hospitals, nursing homes, hospice programs, and other Medicare providers still face some additional Balanced Budget Act cuts, most of the BBA provisions have already either taken effect or been erased by the two ''Medicare giveback'' bills we have passed into law.

But home health care patients and providers still have the largest BBA cut of all staring them in the face—the 15-percent across-the-board home health cuts that are now scheduled for October of 2002. That's a 15-percent cut on top of everything else that has happened thus far—on top of the loss of 900,000 patients, on top of the loss of 3,000-plus home health agencies, and on top of the loss of almost half of Medicare home health spending.

I do not believe this should happen, and I actually don't know of anybody who believes the 15-percent home health cuts should go into effect. That's why Congress has already delayed the 15-percent cuts three separate times.

To impose these cuts, given all that home health care has been through, would be adding insult to injury. It would risk putting thousands more home health agencies out-of-business, perhaps risking the care for a million more patients.

Today, Senator COLLINS and I propose to fix this once and for all—no more mere delays, no more half-measures. The key provision in the Home Health Payment Fairness Act would permanently eliminate these 15-percent cuts. This will be expensive—probably more than $10 billion over 10 years. I don't think anybody in Congress wants to drop the guillotine on home health by imposing these cuts—that's what the three delays have shown. We need to just bite the bullet and get rid of them once and for all.

The one additional key provision in our bill would make permanent the 10-percent bonus payments that we are about to start giving rural home health agencies. These new rural payments recognize that, historically, rural patients have been more expensive due to the added transportation and labor costs incurred as home health nurses travel longer distances between visits. The second Medicare ''giveback'' bill that Congress just passed into law in December authorized these bonus payments for the first time—but only for a two-year period. The reasons that rural patients cost more are going to last for more than two years—we believe the added rural payments should as well.

This policy change will provide desperately-needed assistance to help home health care in rural America—which, as I mentioned earlier, has been much harder hit by the home health crisis. These added payments would be similar to the 10-percent incentive bonus Medicare currently pays to doctors in rural areas, and would serve the same purpose as the various Medicare mechanisms we have to protect rural hospitals. The rural incentives for doctors and hospitals are part of permanent law; the rural incentives for home health should be too.

Home health care has been through enough. Our Nation's dedicated home health providers—and you know they are dedicated if they have stuck with it through the difficulties of the last few years—deserve to be left alone and given a rest. They deserve to be left alone to recover from the post-Balanced Budget Act chaos. They deserve to be left alone in order to adjust to a brand new home health payment system that Medicare put into place a few months ago—a new payment system specifically designed to reduce overuse of service in a much more intelligent and appropriate way than arbitrary cuts like those that are scheduled. And they deserve to be left alone to focus on providing high-quality care to Medicare patients. The seniors and disabled Americans who rely on home health for their health care, and for their independence, deserve no less.

Mr. ALLARD. I thank the Senator from Missouri for his leadership on home health care. I agree with him. It does save money for the patient, and we want to encourage it as far as health care is concerned.

Mr. REED. Mr. President, I rise today to join the chorus of support for the Home Health Payment Fairness Act. The intent of this important legislation is two-fold—first, eliminate the impending 15 percent reduction in home health payments scheduled to take effect in October 2002, and second, restore a modicum of stability and predictability to the home health funding stream after years of volatility and turmoil. I was pleased to introduce similar language with Senator COLLINS last Congress; I am pleased to do so again.

Over the past several years, Congress has worked to address the unintended consequences of the 1997 Balanced Budget Act, BBA. Specifically, we have sought to alleviate the tremendous financial burdens that have been borne by the home health industry and the patients who rely on these agencies for care. Since the enactment of the BBA, there has been a remarkable 48 percent decline in Medicare home health expenditures. Moreover, across the nation, home health agencies have been forced to cut back on services, and in some cases, close their doors forever. As a result, vulnerable and frail Medicare beneficiaries are being deprived of medically needed health services that enable these populations to receive care while remaining in the comfort of their homes and communities.

While we have been able to correct for a number of the problems, one issue we have yet to resolve affirmatively is the impending 15 percent for home health services. This reduction, which was originally scheduled to take effect in October 2000, has been delayed since 2002. While this delay is certainly significant, we can and must do more to restore predictability to the home health reimbursement system. We must see to it that the 15 percent cut is eliminated—and I hope we can achieve that goal this year.

As we have already seen, reductions of this magnitude are all too often shouldered by small, nonprofit home health agencies and the elderly and disabled beneficiaries they serve. Home health care agencies in my home state of Rhode Island have been especially hard hit by these changes. We have seen a significant decline in the number of beneficiaries served and access to care for more medically complex patients threatened by these cuts. These reductions have clearly had negative impact on patients who heavily rely on home health services.

Nationally, between 1997 and 1998, the number of Medicare beneficiaries receiving home health services has fallen 14 percent, while the total number of home health visits has fallen by 40 percent. We have seen a similar trend in Rhode Island, where over 3,000 fewer beneficiaries are receiving home health care—representing a decline of 16 percent—and the total number of visits has fallen 38 percent. These individuals are either being forced to turn to more expensive alternatives, such as institutional-based nursing homes and skilled nursing facilities for their care, or these individuals are simply going without care, which places an immeasurable burden on the family and friends of vulnerable beneficiaries.

I truly do not believe this is the path we want to remain on when it comes to home health care. In light of the impending ''senior boom'' that will be hitting our entitlement programs in a few short years, we should be doing all we can to preserve and strengthen the Medicare home health benefit. We can begin to do so by eliminating the 15 percent reduction in home health payments. By taking this step, we will alleviate an enormous burden that has been looming over financially strapped home health agencies as well as the frail and vulnerable Medicare beneficiaries who rely on these critical services.

I urge my colleagues to join us in supporting this critical legislation, and I look forward to working with Senator COLLINS and my other colleagues on the home health issue this Congress.

By Mr. REED (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. DODD, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, Ms. MIKULSKI, Mrs. CLINTON, Mr. CHAFEE, Mr. ROCKEFELLER, Mr. REID, Mr. SARBANES, and Mr. BAUCUS):

S. 327. A bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce bipartisan legislation to support and strengthen America's school libraries.

Research shows that well-equipped and well-staffed school libraries are essential to promoting literacy, learning, and achievement. Indeed, recent studies in Colorado, Pennsylvania, and Alaska reveal that a strong library media program, consisting of a well-stocked school library staffed by a trained, school-library media specialist, helps students learn more and score higher on standardized tests than their peers in library-impoverished schools. These findings echo earlier studies conducted in the 1990s, which found that students in schools with well-equipped libraries and professional library specialists performed better on achievement tests for reading comprehension and basic research skills.

Mr. President, with our ever-changing global economy, access to information and the skills to use it are vital to ensuring that young Americans are competitive and informed citizens of the world. That is why the school library is so important in supplementing what is learned in the classroom; promoting better learning, including reading, research, library use, and electronic database skills; and providing the foundation for independent learning that allows students to achieve throughout their educational careers and their lives.

While the promise of a well-equipped school library to promote literacy, learning, and achievement is boundless, and its importance greater than ever, the condition of libraries today does not live up to that potential. As Linda Wood, a school-library media specialist from South Kingstown High School in Rhode Island, noted during a Health, Education, Labor, and Pensions Committee hearing two years ago, school library collections are outdated and sparse.

Many schools across the nation are dependent on books purchased in the mid-1960s with dedicated funding provided under the original Elementary and Secondary Education Act (ESEA) of 1965. Many of the books still on school library shelves today were purchased with this funding and have not been replaced since 1981, when this dedicated funding was folded into what is now the Title VI block grant. As a result, many books in our school libraries predate the landing of manned spacecraft on the moon, the breakup of the Soviet Union, the end of Apartheid, the Internet, and advances in DNA research.

Mr. President, over the past several months I have received over one hundred books pulled from library shelves across the country which further illustrate the sad state of school libraries today. I would like to cite just a few examples.

A book entitled Rockets Into Space, copyright 1959, informs students that ''there is a way to get to the moon and even distant planets, [but the trip must] be made in two stages. The first stage would be from earth to a space station. The second stage would be from the space station to the moon. It would cost a lot of money to buy a ticket to the moon.'' This book was checked out of a Los Angeles school library 13 times since 1995.

Further, a book found on a Rhode Island school library shelf, entitled Studying the Middle East in Elementary and Secondary Schools, copyright 1968, contains the following information: ''UNDERSTANDING SOME CHARACTERISTICS OF THE ARABS—

It is difficult to generalize about any group of people and yet there are some characteristics which seem predominant and helpful in understanding the Arabs.'' Needless to say, the book then proceeds to describe characteristics of Arab people in derogatory terms.

And finally, a book entitled Colonial Life in America, copyright 1962, found on a shelf in a Philadelphia school library, informs the student that life on ''a large plantation in the South was like a village. Slave families had their own cabins.'' This book describes southern plantation life as idyllic, without reference to the harshness and injustice of life as a slave.

As you can see, in a rapidly changing world, our students are placed at a major disadvantage if the only scientific, geographical, and historical materials they have access to are outdated and inaccurate. The reason for this sad state of affairs is the loss of targeted, national funding for school libraries.

In sum, school library funding is grossly inadequate to the task of improving and supplementing collections. Library spending per student today is a small fraction of the cost of a new book. Indeed, while the average school library book costs $16, the average spending per student for books is approximately $6.75 in elementary schools; $7.30 in middle schools; and $6.25 in high schools. Consequently, many schools cannot remove outdated books from their shelves because there is no money to replace these books.

My home state of Rhode Island is working on an innovative effort to ensure that students gain access to materials not available in their own school libraries. RILINK, the Rhode Island Library Information Network for Kids, gives students and teachers 24-hour Internet access to a statewide catalog of school library holdings, complete with information about the book's status on the shelf. RILINK also allows for on-line request of materials via interlibrary loan, with rapid delivery through a statewide courier system, and provides links from book information records to related Internet research sites, allowing a single book request to serve as a point of departure for a galaxy of information sources.

Unfortunately, such innovations, which could benefit schoolchildren across the nation, cannot be expanded without adequate library funding. Indeed, the only federal funding that is currently available to school libraries is the Title VI block grant, which allows expenditure for school library and instructional materials as one of nine choices for local uses of funds. Since 1981, states have chosen other needs above school library books and technology. Sadly, districts only spend an estimated 17 percent of funds on school library and instructional materials. This amount is wholly insufficient to replace outdated books in both our classrooms and school libraries, and this lack of targeting and diffusion of funding is why block grants are so harmful.

Mr. President, well-trained school library media specialists are also essential to helping students unlock their potential. These individuals are at the heart of guiding students in their work, providing research training, maintaining and developing collections, and ensuring that a library fulfills its potential. In addition, they have the skills to guide students in the use of the broad variety of advanced technological education resources now available.

Unfortunately, only 68 percent of schools have state-certified library media specialists, according to Department of Education figures, and, on average, there is only one specialist for every 591 students. This shortage means that many school libraries are staffed by volunteers and are open only a few days a week.

I am introducing this bipartisan bill today, along with Senators COCHRAN, KENNEDY, DODD, BINGAMAN, WELLSTONE, MURRAY, MIKULSKI, CLINTON, CHAFEE, ROCKEFELLER, REID, SARBANES, and BAUCUS to restore the funding that is critical to improving school libraries. The Improving Literacy Through School Libraries Act authorizes $500 million to help school libraries with the greatest needs update their collections and would ensure that students have access to the informational tools they need to learn and achieve at the highest levels. This bill allows for maximum flexibility, enabling schools to use the funds to update library media resources, such as books and advanced technology, train school-library media specialists, and facilitate resource-sharing among school libraries. The bill also establishes the School Library Access Program to provide students with access to school libraries during non-school hours, including before and after school, weekends, and summers.

Providing access to the most up-to-date school library collections is an essential part of increasing student achievement, improving literacy skills, and helping students become lifelong learners. The bipartisan Improving Literacy Through School Libraries Act is strongly supported by the American Library Association, and will help accomplish these essential goals. I urge my colleagues to cosponsor this important legislation and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

I ask unanimous consent that the text of this bill and a letter of support written by the American Library Association be printed in the RECORD.

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

S. 327

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving Literacy Through School Libraries Act of 2001''.

SEC. 2. SCHOOL LIBRARY MEDIA RESOURCES.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following:

''PART E—ASSISTANCE TO SCHOOL LIBRARIES TO IMPROVE LITERACY

''Subpart 1—Library Media Resources

''SEC. 2350. PURPOSE.

''The purposes of this subpart are—

''(1) to improve literacy skills and academic achievement of students by providing students with increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists;

''(2) to support the acquisition of up-to-date school library media resources for the use of students, school library media specialists, and teachers in elementary schools and secondary schools;

''(3) to provide school library media specialists with the tools and training opportunities necessary for the specialists to facilitate the development and enhancement of the information literacy, information retrieval, and critical thinking skills of students; and

''(4)(A) to ensure the effective coordination of resources for library, technology, and professional development activities for elementary schools and secondary schools; and

''(B) to ensure collaboration between school library media specialists, and elementary school and secondary school teachers and administrators, in developing curriculum-based instructional activities for students so that school library media specialists are partners in the learning process of students.

''SEC. 2351. STATE ALLOTMENTS.

''The Secretary shall allot to each eligible State educational agency for a fiscal year an amount that bears the same relation to the amount appropriated under section 2360 and not reserved under section 2359 for the fiscal year as the amount the State educational agency received under part A of title I for the preceding fiscal year bears to the amount all eligible State educational agencies received under part A of title I for the preceding fiscal year.

''SEC. 2352. STATE APPLICATIONS.

''To be eligible to receive an allotment under section 2351 for a State for a fiscal year, the State educational agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of—

''(1) the manner in which the State educational agency will use the needs assessment described in section 2355(1) and poverty data to allocate funds made available through the allotment to the local educational agencies in the State with the greatest need for school library media improvement;

''(2) the manner in which the State educational agency will effectively coordinate

all Federal and State funds available for literacy, library, technology, and professional development activities to assist local educational agencies, elementary schools, and secondary schools in—

''(A) acquiring up-to-date school library media resources in all formats, including books and advanced technology such as Internet connections; and

''(B) providing training for school library media specialists;

''(3) the manner in which the State educational agency will develop standards for the incorporation of new technologies into the curricula of elementary schools and secondary schools through school library media programs to develop and enhance the information literacy, information retrieval, and critical thinking skills of students; and

''(4) the manner in which the State educational agency will evaluate the quality and impact of activities carried out under this subpart by local educational agencies to make determinations regarding the need of the agencies for technical assistance and whether to continue funding the agencies under this subpart.

''SEC. 2353. STATE RESERVATION.

''A State educational agency that receives an allotment under section 2351 may reserve not more than 3 percent of the funds made available through the allotment to provide technical assistance, disseminate information about effective school library media programs, and pay administrative costs, relating to this subpart.

''SEC. 2354. LOCAL ALLOCATIONS.

''(a) IN GENERAL.—A State educational agency that receives an allotment under section 2351 for a fiscal year shall use the funds made available through the allotment and not reserved under section 2353 to make allocations to local educational agencies.

''(b) AGENCIES.—The State educational agency shall allocate the funds to the local educational agencies in the State that have—

''(1) the greatest need for school library media improvement according to the needs assessment described in section 2355(1); and

''(2) the highest percentages of poverty, as measured in accordance with section 1113(a)(5).

''SEC. 2355. LOCAL APPLICATION.

''To be eligible to receive an allocation under section 2354 for a fiscal year, a local educational agency shall submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency shall require. The application shall contain—

''(1) a needs assessment relating to need for school library media improvement, based on the age and condition of school library media resources (including book collections), access of school library media centers to advanced technology, including Internet connections, and the availability of well-trained, professionally certified school library media specialists, in schools served by the local educational agency;

''(2) a description of the manner in which the local educational agency will use the needs assessment to assist schools with the greatest need for school library media improvement;

''(3) a description of the manner in which the local educational agency will use the funds provided through the allocation to carry out the activities described in section 2356;

''(4) a description of the manner in which the local educational agency will develop and carry out the activities described in section 2356 with the extensive participation of school library media specialists, elementary school and secondary school teachers and administrators, and parents;

''(5) a description of the manner in which the local educational agency will effectively coordinate—

''(A) funds provided under this subpart with the Federal, State, and local funds received by the agency for literacy, library, technology, and professional development activities; and

''(B) activities carried out under this subpart with the Federal, State, and local library, technology, and professional development activities carried out by the local educational agency; and

''(6) a description of the manner in which the local educational agency will collect and analyze data on the quality and impact of activities carried out under this subpart by schools served by the local educational agency.

''SEC. 2356. LOCAL ACTIVITIES.

''A local educational agency that receives a local allocation under section 2354 may use the funds made available through the allocation—

''(1) to acquire up-to-date school library media resources, including books;

''(2) to acquire and utilize advanced technology, incorporated into the curricula of the schools, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

''(3) to acquire and utilize advanced technology, including Internet links, to facilitate resource-sharing among schools and school library media centers, and public and academic libraries, where possible;

''(4) to provide professional development opportunities for school library media specialists; and

''(5) to foster increased collaboration between school library media specialists and elementary school and secondary school teachers and administrators.

''SEC. 2357. ACCOUNTABILITY AND CONTINUATION OF FUNDS.

''Each local educational agency that receives funding under this subpart for a fiscal year shall be eligible to continue to receive the funding—

''(1) for each of the 2 following fiscal years; and

''(2) for each fiscal year subsequent to the 2 following fiscal years, if the local educational agency demonstrates that the agency has increased—

''(A) the availability of, and the access of students, school library media specialists, and elementary school and secondary school teachers to, up-to-date school library media resources, including books and advanced technology, in elementary schools and secondary schools served by the local educational agency;

''(B) the number of well-trained, professionally certified school library media specialists in those schools; and

''(C) collaboration between school library media specialists and elementary school and secondary school teachers and administrators for those schools.

''SEC. 2358. SUPPLEMENT NOT SUPPLANT.

''Funds made available under this subpart shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

''SEC. 2359. NATIONAL ACTIVITIES.

''The Secretary shall reserve not more than 3 percent of the amount appropriated under section 2360 for a fiscal year—

''(1) for an annual, independent, national evaluation of the activities assisted under this subpart, to be conducted not later than 3 years after the date of enactment of this subpart; and

''(2) to broadly disseminate information to help States, local educational agencies, school library media specialists, and elementary school and secondary school teachers and administrators learn about effective school library media programs.

''SEC. 2360. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $475,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

''Subpart 2—School Library Access Program

''SEC. 2361. PROGRAM.

''(a) IN GENERAL.—The Secretary may make grants to local educational agencies to provide students with access to libraries in elementary schools and secondary schools during non-school hours, including the hours before and after school, weekends, and summer vacation periods.

''(b) APPLICATIONS.—To be eligible to receive a grant under subsection (a), a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to local educational agencies that demonstrate, in applications submitted under subsection (b), that the agencies—

''(1) seek to provide activities that will increase literacy skills and student achievement;

''(2) have effectively coordinated services and funding with entities involved in other Federal, State, and local efforts, to provide programs and activities for students during the non-school hours described in subsection (a); and

''(3) have a high level of community support.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart $25,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, February 13, 2001.

Hon. JACK REED,
U.S. Senate,
Washington, DC.

DEAR SENATOR REED: I would like to take this opportunity to thank you and Senator Thad Cochran for your bi-partisan support of school libraries as you introduce the Improving Literacy Through School Libraries Act of 2001. This bill would provide assistance to the nation's school libraries and school library media specialists at a time when they are laboring mightily to cope with the challenges of increasing school enrollment, new technology and the lack of funding for school library resources.

As an academic librarian in New York, I know personally how this legislation will contribute to effective learning by our school children. Many of the nation's school libraries have collections that are old, inaccurate and out of date. How can we encourage children to read, continue their education in college and become life-long learners if the material we have available for them is inadequate?

Your legislation proposes to upgrade collections, encourage and train school librarians, and effect greater cooperation between

school professionals directly involved teaching children—school library media specialists, teachers and administrators. This critical legislation should be included in the reauthorization process now going forward in the Senate. The school children of today deserve the best resources we have to give them.

On behalf of the 61,000 school, public, academic and special librarians, library trustees, friends of libraries and library supporters, I thank you for your effort to improve the resources in school libraries. We offer the support of our members in working towards passage of the legislation.

Sincerely,

NANCY C. KRANICH,
President.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. GRAHAM):

S. 329. A bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, America is truly unique in that almost all of us are migrants or immigrants to the United States, originating in different regions—whether from Asia, from islands in the Pacific Ocean, Mexico, or valleys and mesas of the Southwest, Europe or other regions of the world. The prehistory and the contemporary history of this nation are inextricably linked to the mosaic or migrations, immigrations and existing cultures in the U.S. that has resulted in the peopling of America. Americans are all travelers from diverse areas, regions, continents and islands.

We need a better understanding of this coherent and unifying theme in America. With this in mind, I am introducing legislation, along with my colleagues Senator INOUYE and Senator GRAHAM, authorizing the National Park Service to conduct a theme study on the peopling of America. An identical bill passed the Senate last Congress, and I am optimistic that the Senate will again pass this bill.

The purpose of the study is to provide a basis for identifying, interpreting and preserving sites related to the migration, immigration and settling of America. The peopling of America is the story of our nation's population and how we came to be the diverse set of people that we are today. The peopling of America will acknowledge the contributions and trials of the first peoples who settled the North American continent, the Pacific Islands, and the lands that later became the United States of America. The peopling of America has continued as Spanish, Portuguese, French, Dutch, and English laid claim to lands and opened the floodgates of European migration and the involuntary migration of Africans to the Americas.

This was just the beginning. America has been growing and changing ever since. It is critical that we document and include the growth and change in the United States as groups of people move across external and internal boundaries that make up our nation. By understanding all our contributions, the strength within all cultures, and the diffusion of cultural ways through the United States, we will be a better nation. The strength of American culture is in our diversity and rests on a comprehensive understanding of the peopling of America.

The theme study I am proposing will authorize the Secretary of the Interior to identify regions, areas, trails, districts and cultures that illustrate and commemorate key events in the migration, immigration and settlement of the population of the United States, and which can provide a basis for the preservation and interpretation of the peopling of America. It includes preservation and education strategies to capture elements of our national culture and history such as immigration, migration, ethnicity, family, gender, health, neighborhood, and community. In addition, the study will make recommendations regarding National Historic Landmark designations and National Register of Historic Places nominations, as appropriate. The study will also facilitate the development of cooperative programs with education institutions, public history organizations, state and local governments, and groups knowledgeable about the peopling of America.

We are entering a new millennium with hope and opportunity. It is incumbent on us to reflect on the extent to which the energy and wealth of the United States depends on our population diversity. Looking back, we understand that our history, and our very national character, is defined by the grand, entangled movements of people to America and across the American landscape—through original residency, European colonization, forced migrations, economic migrations, or politically-motivated immigration—that has given rise to the rich interactions that make the American character and experience unique. I would venture to say that no other nation has the heterogeneous patchwork of migration and movement around the country that is found and that makes us the American Nation.

We embody the cultures and traditions that our forebears brought from other places and shores, as well as the new traditions and cultures that we adopted or created anew upon arrival. Whether we are the original inhabitants of the rich Pacific Northwest, settled in the rangelands and agrarian West, the industrialized Northeast, the small towns of the Midwest, or the genteel cities of the South, our forebears inevitably contributed their background and created new relationships with peoples of other backgrounds and cultures. Our rich heritage as Americans is comprehensible only through the stories of our various constituent cultures, carried with us from other lands and transformed by encounters with other cultures.

All Americans are travelers. All cultures have creation stories and histories that place us here from somewhere. Whether we came to this land as native peoples. English colonists, Africans who were brought in slavery, Filipinos who came to work in Hawaii's cane fields, Mexican ranchers, or Chinese merchants, the process by which our nation was peopled transformed us from strangers from different shores into neighbors unified in our inimitable diversity—Americans all. It is essential for us to understand this process, not only to understand who and where we are, but also to help us understand who we wish to be and where we should be headed as a nation. As the caretaker of some of our most important cultural and historical resources, from Ellis Island to San Juan Island, from Chaco Canyon to Kennesaw Mountain, the National Park Service is in a unique position to conduct a study that can offer guidance on this fundamental subject.

Currently we have only one focal point in the national park system that celebrates the peopling of America with significance. Ellis Island and the Statue of Liberty National Monument. Ellis Island welcomed over 12 million immigrants between 1892 and 1954, an overwhelming majority of whom crossed the Atlantic from Europe. Ellis Island celebrates these immigrant experiences through their museum, historic buildings, and memorial wall. Immensely popular as it is, Ellis Island is focused on Atlantic immigration and thus reflects the experience only of those groups (primarily Eastern and Southern Europeans) who were processed at the island during its active period, 1892–1954.

Not all immigrants and their descendants can identify with Ellis Island. Tens of millions of other immigrants traveled to our great country through other ports of entry and in different periods of our Nation's history and prehistory. Ellis Island tells only part of the American story. There are other chapters, just as compelling, that must be told.

On the West Coast, Angel Island Immigration Station, tucked in San Francisco Bay, was open from 1910 to 1940 and processed hundreds of thousands of Pacific Rim immigrants through its portals. An estimated 175,000 Chinese immigrants and more than 20,000 Japanese made the long Pacific passage to the United States. Their experiences are a West Coast mirror of the Ellis Island experience. But the migration story on the West Coast is much longer and broader than Angel Island. Many earlier migrants to the West Coast contributed to the rich history of California, including the original resident

Native Americans, Spanish explorers, Mexican ranchers, Russian colonists, American migrants from the Eastern states who came overland or around the Horn, German and Irish military recruits, Chinese railroad laborers, Portuguese and Italian farmers, and many other groups. The diversity and experience of these groups reflects the diversity and experience of all immigrants who entered the United States via the Western states, including Alaska, Washington, Oregon, and California.

The study we propose is consistent with the agency's latest official thematic framework which establishes the subject of human population movement and change—or ''peopling places''—as a primary thematic category for study and interpretation. The framework, which serves as a general guideline for interpretation, was revised in 1996 in response to a Congressional mandate—Civil War Sites Study Act of 1990, Public Law 101–628, Sec. 1209—that the full diversity of American history and prehistory be expressed in the National Park Service's identification and interpretation of historic and prehistoric properties.

In conclusion, we believe that this bill will shed light on the unique blend of pluralism and unity that characterizes our national polity. With its responsibility for cultural and historical parks, the Park Service plays a unique role in enhancing our understanding of the peopling of America and thus of a fuller comprehension of our relationships with each other—past, present, and future.

I urge my colleagues to support this initiative. 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. 329

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 ''Peopling of America Theme Study Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the ''peopling of America''; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; title XII of Public Law 101–628), that ''the Secretary shall ensure that the full diversity of American history and prehistory are represented'' in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that ''people are the primary agents of change'' and establishes the theme of human population movement and change—or ''peopling places''—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study required under section 4.

(3) PEOPLING OF AMERICA.—The term ''peopling of America'' means the migration, immigration, and settlement of the population of the United States.

SEC. 4. NATIONAL HISTORIC LANDMARK THEME STUDY ON THE PEOPLING OF AMERICA.

(a) THEME STUDY REQUIRED.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list, in order of importance or merit, of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 5. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. TORRICELLI:

S. 330. A bill to expand the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and non-powder firearms; to the Committee on the Judiciary.

Mr. TORRICELLI. Mr. President, I rise today to introduce the Firearms Safety and Consumer Protection Act of 2001. I am sure that this bill will face opposition, but I am equally sure that the need for this bill is so clear, and the logic so unquestionable, that we will eventually see gun consumers fighting for the passage of the legislation.

Mr. President, I have long fought against the gun injuries that have plagued America for years. We succeeded in enacting the Brady bill and the ban on devastating assault weapons. And in the 104th Congress, even in the midst of what many consider a hostile Congress, we told domestic violence offenders that they could no longer own a gun. These were each measures aimed at the criminal misuse of firearms.

But there is another subject that the NRA just hates to talk about—the countless injuries that occur to innocent gun owners, recreational hunters, and to law enforcement. Every year in this country, countless people die and many more are injured by defective or poorly manufactured firearms. Yet the Consumer Products Safety Commission, which has the power to regulate every other product sold to the American consumer, lacks the ability to regulate the manufacture of firearms.

Amazingly, in a nation that regulates everything from the air we breathe, to the cars we drive, to the cribs that hold our children, the most dangerous consumer product sold, firearms, are unregulated. Studies show that inexpensive safety technology and the elimination of flawed guns could prevent a third of accidental firearms deaths. Despite this fact, the Federal government is powerless to stop gun companies from distributing defective guns or failing to warn consumers of dangerous products.

This gaping loophole in our consumer protection laws can often be disastrous for gun users. To take just one recent example, even when a gun manufacturer discovered that it had sold countless defective guns with a tendency to misfire, no recall was mandated and no action could be taken by the federal government. The guns remained on the street, and consumers were defenseless. Time after time, consumers, hunters, and gun owners are each left out in the cold, without the knowledge of danger or the assistance necessary to protect themselves from it.

For too long now, the gun industry has successfully kept guns exempt from consumer protection laws, and we must finally bring guns into line with every other consumer product. Logic, common sense, and the many innocent victims of defective firearms all cry out for us to act—and act we must.

To that end, I am introducing the Firearms Safety and Consumer Protection Act, legislation giving the Secretary of the Treasury the power to regulate the manufacture, distribution, and sale of firearms and ammunition. The time has come to stop dangerous and defective guns from killing American consumers. I urge my colleagues to support this bill. 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. 330

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Firearms Safety and Consumer Protection Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—REGULATION OF FIREARM PRODUCTS

Sec. 101. Regulatory authority.
Sec. 102. Orders; inspections.

TITLE II—PROHIBITIONS

Sec. 201. Prohibitions.
Sec. 202. Inapplicability to governmental authorities.

TITLE III—ENFORCEMENT

SUBTITLE A—CIVIL ENFORCEMENT

Sec. 301. Civil penalties.
Sec. 302. Injunctive enforcement and seizure.
Sec. 303. Imminently hazardous firearms.
Sec. 304. Private cause of action.
Sec. 305. Private enforcement of this Act.
Sec. 306. Effect on private remedies.

SUBTITLE B—CRIMINAL ENFORCEMENT

Sec. 351. Criminal penalties.

TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. Firearm injury information and research.
Sec. 402. Annual report to Congress.

TITLE V—RELATIONSHIP TO OTHER LAW

Sec. 501. Subordination to the Arms Export Control Act.
Sec. 502. Effect on State law.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the public against unreasonable risk of injury and death associated with firearms and related products;

(2) to develop safety standards for firearms and related products;

(3) to assist consumers in evaluating the comparative safety of firearms and related products;

(4) to promote research and investigation into the causes and prevention of firearm-related deaths and injuries; and

(5) to restrict the availability of weapons that pose an unreasonable risk of death or injury.

SEC. 3. DEFINITIONS.

(a) SPECIFIC TERMS.—In this Act:

(1) FIREARMS DEALER.—The term ''firearms dealer'' means—

(A) any person engaged in the business (as defined in section 921(a)(21)(C) of title 18, United States Code) of dealing in firearms at wholesale or retail;

(B) any person engaged in the business (as defined in section 921(a)(21)(D) of title 18, United States Code) of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; and

(C) any person who is a pawnbroker.

(2) FIREARM PART.—The term ''firearm part'' means—

(A) any part or component of a firearm as originally manufactured;

(B) any good manufactured or sold—

(i) for replacement or improvement of a firearm; or

(ii) as any accessory or addition to the firearm; and

(C) any good that is not a part or component of a firearm and is manufactured, sold, delivered, offered, or intended for use exclusively to safeguard individuals from injury by a firearm.

(3) FIREARM PRODUCT.—The term ''firearm product'' means a firearm, firearm part, nonpowder firearm, and ammunition.

(4) FIREARM SAFETY REGULATION.—The term ''firearm safety regulation'' means a regulation prescribed under this Act.

(5) FIREARM SAFETY STANDARD.—The term ''firearm safety standard'' means a standard promulgated under this Act.

(6) NONPOWDER FIREARM.—The term ''nonpowder firearm'' means a device specifically designed to discharge BBs, pellets, darts, or similar projectiles by the release of stored energy.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary.

(b) OTHER TERMS.—Each term used in this Act that is not defined in subsection (a) shall have the meaning (if any) given that term in section 921(a) of title 18, United States Code.

TITLE I—REGULATION OF FIREARM PRODUCTS

SEC. 101. REGULATORY AUTHORITY.

(a) IN GENERAL.—The Secretary shall prescribe such regulations governing the design, manufacture, and performance of, and commerce in, firearm products, consistent with this Act, as are reasonably necessary to reduce or prevent unreasonable risk of injury resulting from the use of those products.

(b) MAXIMUM INTERVAL BETWEEN ISSUANCE OF PROPOSED AND FINAL REGULATION.—Not later than 120 days after the date on which the Secretary issues a proposed regulation under subsection (a) with respect to a matter, the Secretary shall issue a regulation in final form with respect to the matter.

(c) PETITIONS.—

(1) IN GENERAL.—Any person may petition the Secretary to—

(A) issue, amend, or repeal a regulation prescribed under subsection (a) of this section; or

(B) require the recall, repair, or replacement of a firearm product, or the issuance of refunds with respect to a firearm product.

(2) DEADLINE FOR ACTION ON PETITION.—Not later than 120 days after the date on which the Secretary receives a petition referred to in paragraph (1), the Secretary shall—

(A) grant, in whole or in part, or deny the petition; and

(B) provide the petitioner with the reasons for granting or denying the petition.

SEC. 102. ORDERS; INSPECTIONS.

(a) AUTHORITY TO PROHIBIT MANUFACTURE, SALE, OR TRANSFER OF FIREARM PRODUCTS MADE, IMPORTED, TRANSFERRED, OR DISTRIBUTED IN VIOLATION OF REGULATION.—The Secretary may issue an order prohibiting the manufacture, sale, or transfer of a firearm product which the Secretary finds has been manufactured, or has been or is intended to be imported, transferred, or distributed in violation of a regulation prescribed under this Act.

(b) AUTHORITY TO REQUIRE THE RECALL, REPAIR, OR REPLACEMENT OF, OR THE PROVISION OF REFUNDS WITH RESPECT TO FIREARM PRODUCTS.—The Secretary may issue an order requiring the manufacturer of, and any dealer in, a firearm product which the Secretary determines poses an unreasonable risk of injury to the public, is not in compliance with a regulation prescribed under this Act, or is defective, to—

(1) provide notice of the risks associated with the product, and of how to avoid or reduce the risks, to—

(A) the public;

(B) in the case of the manufacturer of the product, each dealer in the product; and

(C) in the case of a dealer in the product, the manufacturer of the product and the other persons known to the dealer as dealers in the product;

(2) bring the product into conformity with the regulations prescribed under this Act;

(3) repair the product;

(4) replace the product with a like or equivalent product which is in compliance with those regulations;

(5) refund the purchase price of the product, or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use;

(6) recall the product from the stream of commerce; or

(7) submit to the Secretary a satisfactory plan for implementation of any action required under this subsection.

(c) AUTHORITY TO PROHIBIT MANUFACTURE, IMPORTATION, TRANSFER, DISTRIBUTION, OR EXPORT OF UNREASONABLY RISKY FIREARM PRODUCTS.—The Secretary may issue an order prohibiting the manufacture, importation, transfer, distribution, or export of a firearm product if the Secretary determines that the exercise of other authority under this Act would not be sufficient to prevent the product from posing an unreasonable risk of injury to the public.

(d) INSPECTIONS.—When the Secretary has reason to believe that a violation of this Act or of a regulation or order issued under this Act is being or has been committed, the Secretary may, at reasonable times—

(1) enter any place in which firearm products are manufactured, stored, or held, for distribution in commerce, and inspect those areas where the products are manufactured, stored, or held; and

(2) enter and inspect any conveyance being used to transport a firearm product.

TITLE II—PROHIBITIONS

SEC. 201. PROHIBITIONS.

(a) FAILURE OF MANUFACTURER TO TEST AND CERTIFY FIREARM PRODUCTS.—It shall be unlawful for the manufacturer of a firearm product to transfer, distribute, or export a firearm product unless—

(1) the manufacturer has tested the product in order to ascertain whether the product is in conformity with the regulations prescribed under section 101;

(2) the product is in conformity with those regulations; and

(3) the manufacturer has included in the packaging of the product, and furnished to each person to whom the product is distributed, a certificate stating that the product is in conformity with those regulations.

(b) FAILURE OF MANUFACTURER TO PROVIDE NOTICE OF NEW TYPES OF FIREARM PRODUCTS.—It shall be unlawful for the manufacturer of a new type of firearm product to manufacture the product, unless the manufacturer has provided the Secretary with—

(1) notice of the intent of the manufacturer to manufacture the product; and

(2) a description of the product.

(c) FAILURE OF MANUFACTURER OR DEALER TO LABEL FIREARM PRODUCTS.—It shall be unlawful for a manufacturer of or dealer in firearms to transfer, distribute, or export a firearm product unless the product is accompanied by a label that—

(1) contains—

(A) the name and address of the manufacturer of the product;

(B) the name and address of any importer of the product;

(C) the model number of the product and the date the product was manufactured;

(D) a specification of the regulations prescribed under this Act that apply to the product; and

(E) the certificate required by subsection (a)(3) with respect to the product; and

(2) is located prominently in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label.

(d) FAILURE TO MAINTAIN OR PERMIT INSPECTION OF RECORDS.—It shall be unlawful for an importer of, manufacturer of, or dealer in a firearm product to fail to—

(1) maintain such records, and supply such information, as the Secretary may require in order to ascertain compliance with this Act and the regulations and orders issued under this Act; and

(2) permit the Secretary to inspect and copy those records at reasonable times.

(e) IMPORTATION AND EXPORTATION OF UNCERTIFIED FIREARM PRODUCTS.—It shall be unlawful for any person to import into the United States or export a firearm product that is not accompanied by the certificate required by subsection (a)(3).

(f) COMMERCE IN FIREARM PRODUCTS IN VIOLATION OF ORDER ISSUED OR REGULATION PRESCRIBED UNDER THIS ACT.—It shall be unlawful for any person to manufacture, offer for sale, distribute in commerce, import into the United States, or export a firearm product—

(1) that is not in conformity with the regulations prescribed under this Act; or

(2) in violation of an order issued under this Act.

(g) STOCKPILING.—It shall be unlawful for any person to manufacture, purchase, or import a firearm product, after the date a regulation is prescribed under this Act with respect to the product and before the date the regulation takes effect, at a rate that is significantly greater than the rate at which the person manufactured, purchased, or imported the product during a base period (prescribed by the Secretary in regulations) ending before the date the regulation is so prescribed.

SEC. 202. INAPPLICABILITY TO GOVERNMENTAL AUTHORITIES.

Section 201 does not apply to any department or agency of the United States, of a State, or of a political subdivision of a State, or to any official conduct of any officer or employee of such a department or agency.

TITLE III—ENFORCEMENT

Subtitle A—Civil Enforcement

SEC. 301. CIVIL PENALTIES.

(a) AUTHORITY TO IMPOSE FINES.—

(1) IN GENERAL.—The Secretary shall impose upon any person who violates section 201 a civil fine in an amount that does not exceed the applicable amount described in subsection (b).

(2) SCOPE OF OFFENSE.—Each violation of section 201 (other than of subsection (a)(3) or (d) of that section) shall constitute a separate offense with respect to each firearm product involved.

(b) APPLICABLE AMOUNT.—

(1) FIRST 5-YEAR PERIOD.—The applicable amount for the 5-year period immediately following the date of enactment of this Act is $5,000, or $10,000 if the violation is willful.

(2) THEREAFTER.—The applicable amount during any time after the 5-year period described in paragraph (1) is $10,000, or $20,000 if the violation is willful.

SEC. 302. INJUNCTIVE ENFORCEMENT AND SEIZURE.

(a) INJUNCTIVE ENFORCEMENT.—Upon request of the Secretary, the Attorney General of the United States may bring an action to restrain any violation of section 201 in the United States district court for any district in which the violation has occurred, or in which the defendant is found or transacts business.

(b) CONDEMNATION.—

(1) IN GENERAL.—Upon request of the Secretary, the Attorney General of the United States may bring an action in rem for condemnation of a qualified firearm product in the United States district court for any district in which the Secretary has found and seized for confiscation the product.

(2) QUALIFIED FIREARM PRODUCT DEFINED.—In paragraph (1), the term ''qualified firearm product'' means a firearm product—

(A) that is being transported or having been transported remains unsold, is sold or offered for sale, is imported, or is to be exported; and

(B)(i) that is not in compliance with a regulation prescribed or an order issued under this Act; or

(ii) with respect to which relief has been granted under section 303.

SEC. 303. IMMINENTLY HAZARDOUS FIREARMS.

(a) IN GENERAL.—Notwithstanding the pendency of any other proceeding in a court of the United States, the Secretary may bring an action in a United States district court to restrain any person who is a manufacturer of, or dealer in, an imminently hazardous firearm product from manufacturing, distributing, transferring, importing, or exporting the product.

(b) IMMINENTLY HAZARDOUS FIREARM PRODUCT.—In subsection (a), the term ''imminently hazardous firearm product'' means any firearm product with respect to which the Secretary determines that—

(1) the product poses an unreasonable risk of injury to the public; and

(2) time is of the essence in protecting the public from the risks posed by the product.

(c) RELIEF.—In an action brought under subsection (a), the court may grant such temporary or permanent relief as may be necessary to protect the public from the risks posed by the firearm product, including—

(1) seizure of the product; and

(2) an order requiring—

(A) the purchasers of the product to be notified of the risks posed by the product;

(B) the public to be notified of the risks posed by the product; or

(C) the defendant to recall, repair, or replace the product, or refund the purchase price of the product (or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use).

(d) VENUE.—An action under subsection (a)(2) may be brought in the United States district court for the District of Columbia or for any district in which any defendant is found or transacts business.

SEC. 304. PRIVATE CAUSE OF ACTION.

(a) IN GENERAL.—Any person aggrieved by any violation of this Act or of any regulation prescribed or order issued under this Act by another person may bring an action against such other person in any United States district court for damages, including consequential damages. In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

(b) RULE OF INTERPRETATION.—The remedy provided for in subsection (a) shall be in addition to any other remedy provided by common law or under Federal or State law.

SEC. 305. PRIVATE ENFORCEMENT OF THIS ACT.

Any interested person may bring an action in any United States district court to enforce this Act, or restrain any violation of this Act or of any regulation prescribed or order issued under this Act. In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

SEC. 306. EFFECT ON PRIVATE REMEDIES.

(a) IRRELEVANCY OF COMPLIANCE WITH THIS ACT.—Compliance with this Act or any order issued or regulation prescribed under this Act shall not relieve any person from liability to any person under common law or State statutory law.

(b) IRRELEVANCY OF FAILURE TO TAKE ACTION UNDER THIS ACT.—The failure of the Secretary to take any action authorized under this Act shall not be admissible in litigation relating to the product under common law or State statutory law.

Subtitle B—Criminal Enforcement

SEC. 351. CRIMINAL PENALTIES.

Any person who has received from the Secretary a notice that the person has violated a provision of this Act or of a regulation prescribed under this Act with respect to a firearm product and knowingly violates that provision with respect to the product shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. FIREARM INJURY INFORMATION AND RESEARCH.

(a) IN GENERAL.—The Secretary shall—

(1) collect, investigate, analyze, and share with other appropriate government agencies circumstances of death and injury associated with firearms; and

(2) conduct continuing studies and investigations of economic costs and losses resulting from firearm-related deaths and injuries.

(b) OTHER DATA.—The Secretary shall—

(1) collect and maintain current production and sales figures for each licensed manufacturer, broken down by the model, caliber, and type of firearms produced and sold by the licensee, including a list of the serial numbers of such firearms;

(2) conduct research on, studies of, and investigation into the safety of firearm products and improving the safety of firearm products; and

(3) develop firearm safety testing methods and testing devices.

(c) AVAILABILITY OF INFORMATION.—On a regular basis, but not less frequently than annually, the Secretary shall make available to the public the results of the activities of the Secretary under subsections (a) and (b).

SEC. 402. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary shall prepare and submit to the President and Congress at the beginning of each regular session of Congress, a comprehensive report on the administration of this Act for the most recently completed fiscal year.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) a thorough description, developed in coordination with the Secretary of Health and Human Services, of the incidence of injury and death and effects on the population resulting from firearm products, including statistical analyses and projections, and a breakdown, as practicable, among the various types of such products associated with the injuries and deaths;

(2) a list of firearm safety regulations prescribed that year;

(3) an evaluation of the degree of compliance with firearm safety regulations, including a list of enforcement actions, court decisions, and settlements of alleged violations, by name and location of the violator or alleged violator, as the case may be;

(4) a summary of the outstanding problems hindering enforcement of this Act, in the order of priority; and

(5) a log and summary of meetings between the Secretary or employees of the Secretary and representatives of industry, interested groups, or other interested parties.

TITLE V—RELATIONSHIP TO OTHER LAW

SEC. 501. SUBORDINATION TO ARMS EXPORT CONTROL ACT.

In the event of any conflict between any provision of this Act and any provision of the Arms Export Control Act, the provision of the Arms Export Control Act shall control.

SEC. 502. EFFECT ON STATE LAW.

(a) IN GENERAL.—This Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law regulating or prohibiting conduct with respect to a firearm product, except to the extent that such provision of law is inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

(b) RULE OF CONSTRUCTION.—A provision of State law is not inconsistent with this Act if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this Act.

By Mr. LUGAR (for himself, Mr. ROBERTS, Mr. MCCONNELL, and Mr. BURNS):

S. 333. A bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today to introduce the Rural America Prosperity Act of 2001. I am pleased that Senator ROBERTS, Senator MCCONNELL, and Senator BURNS joined as cosponsors of this bill.

A Republican controlled Congress in 1996 produced a sweeping reform of farm programs. Farmers were no longer told by the government what crops they had to plant. Farmers were no longer forced by the government to idle part of their land in exchange for program payments. That farm bill disentangled farmers from government controls and enabled them to make production decisions based on market signals.

Freeing farmers from excessive, and often counterproductive, government controls is an important step, but we still need to do more to give farmers the tools they need to succeed. Specifically, we need to work to open foreign markets for our agricultural commodities and products, ease the tax and regulatory burden, and provide new risk management tools for farmers. The Rural America Prosperity Act of 2001, which we are introducing today, will help us meet these unfulfilled promises to rural America.

There are three tax provisions in this legislation that I have long advocated as crucial to the financial health of farmers. First is the repeal of the estate tax. A repeal of this tax, which has prevented some farms from being passed from one generation to the next, is essential. We are proposing the same 10-year phase-out of the estate tax which Congress passed last year but President Clinton vetoed. Excluding capital gains from the sale of farmland would put production agriculture on the same footing as homeowners who benefit from a capital gains exclusion for their home. The deduction of health care insurance premiums is needed for farmers and others who are self-employed.

Last year Congress provided over $8 billion to improve the federal crop insurance program. While crop insurance is an important risk management tool, today we offer two other risk management tools for farmers—income averaging and FARRM accounts. Three years ago Congress made income averaging a permanent risk management tool for farmers when calculating taxes. Unfortunately, the interaction between income averaging and the alternative minimum tax has prevented many farmers from receiving the benefit of income averaging. This bill fixes that problem. Under this bill, farmers will be able to contribute up to 20 percent of annual farm income into a FARRM account and deduct this amount from their taxes. This is an important tool for managing financial volatility associated with farming.

We also address regulatory reform in our bill. We are seeking a review of existing and proposed regulations to determine the cost of compliance for farmers, ranchers and foresters. We want to determine if there are more cost-effective ways for farmers, ranchers and foresters to achieve the objectives of these regulations.

Finally, we must do more to help develop new markets abroad for our farm

commodities and agricultural products. Opportunity lies in developing countries where growing wealth allows for increased demand for meat and processed commodities. Authorizing fast-track authority for the President to negotiate international trade agreements may be the single most important thing we can do to facilitate exports.

We also need to address sanctions. Sanctions that prohibit the export of U.S. agricultural products into the sanctioned country are often morally indefensible because they deny necessities to people, not the offending government. Such sanctions also deny markets for U.S. agricultural products which are then captured by our competitors. This legislation only affects commercial sales (excluding all Government subsidized trade programs) involving United States agricultural commodities, livestock, and value-added products.

This legislation represents what I believe is necessary to further the historic reforms initiated in the farm bill almost five years ago. I urge my colleagues to cosponsor this bill. I will encourage my colleagues and the new Bush administration to work to enact these proposals.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 333

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural America Prosperity Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TAX RELIEF FOR FARMERS

Subtitle A—General Tax Provisions

Sec. 101. Deduction for 100 percent of health insurance costs of self-employed individuals.
Sec. 102. Exclusion of gain from sale of farmland.
Sec. 103. Income averaging for farmers not to increase alternative minimum tax liability.
Sec. 104. Farm and ranch risk management accounts.

Subtitle B—Estate and Gift Tax Relief

Sec. 111. Repeal of estate, gift, and generation-skipping taxes.
Sec. 112. Termination of step up in basis at death.
Sec. 113. Carryover basis at death.
Sec. 114. Additional reductions of estate and gift tax rates.
Sec. 115. Unified credit against estate and gift taxes replaced with unified exemption amount.
Sec. 116. Deemed allocation of GST exemption to lifetime transfers to trusts; retroactive allocations.
Sec. 117. Severing of trusts.
Sec. 118. Modification of certain valuation rules.
Sec. 119. Relief provisions.
Sec. 120. Expansion of estate tax rule for conservation easements.

TITLE II—STUDY OF COSTS OF REGULATIONS ON FARMERS, RANCHERS, AND FORESTERS

Sec. 201. Comptroller General study of regulations.
Sec. 202. Response of Secretary of Agriculture.

TITLE III—EXTENSION OF TRADE AUTHORITIES PROCEDURES FOR RECIPROCAL TRADE AGREEMENTS

Sec. 301. Short title.
Sec. 302. Trade negotiating objectives.
Sec. 303. Trade agreements authority.
Sec. 304. Consultations.
Sec. 305. Implementation of trade agreements.
Sec. 306. Treatment of certain trade agreements.
Sec. 307. Conforming amendments.
Sec. 308. Definitions.

TITLE IV—AGRICULTURAL TRADE FREEDOM

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Agricultural commodities, livestock, and products exempt from unilateral agricultural sanctions.
Sec. 404. Sale or barter of food assistance.

TITLE I—TAX RELIEF FOR FARMERS

Subtitle A—General Tax Provisions

SEC. 101. DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

''(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.''.

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

SEC. 102. EXCLUSION OF GAIN FROM SALE OF FARMLAND.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 121 the following:

''SEC. 121A. EXCLUSION OF GAIN FROM SALE OF QUALIFIED FARM PROPERTY.

''(a) EXCLUSION.—In the case of a natural person, gross income shall not include gain from the sale or exchange of qualified farm property.

''(b) LIMITATION.—

''(1) IN GENERAL.—The amount of gain excluded from gross income under subsection (a) with respect to any taxable year shall not exceed $500,000 ($250,000 in the case of a married individual filing a separate return), reduced by the aggregate amount of gain excluded under subsection (a) for all preceding taxable years.

''(2) SPECIAL RULE FOR JOINT RETURNS.—The amount of the exclusion under subsection (a) on a joint return for any taxable year shall be allocated equally between the spouses for purposes of applying the limitation under paragraph (1) for any succeeding taxable year.

''(c) QUALIFIED FARM PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified farm property' means real property located in the United States if, during periods aggregating 3 years or more of the 5-year period ending on the date of the sale or exchange of such real property—

''(A) such real property was used by the taxpayer or a member of the family of the taxpayer as a farm for farming purposes, and

''(B) there was material participation by the taxpayer (or such a member) in the operation of the farm.

''(2) OTHER DEFINITIONS.—The terms 'member of the family', 'farm', and 'farming purposes' have the respective meanings given such terms by paragraphs (2), (4), and (5) of section 2032A(e).

''(3) SPECIAL RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 2032A(b) and paragraphs (3) and (6) of section 2032A(e) shall apply.

''(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsection (e) and subsection (f) of section 121 shall apply.''.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 121 the following:

''Sec. 121A. Exclusion of gain from sale of qualified farm property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale or exchange after the date of enactment of this Act in taxable years ending after such date.

SEC. 103. INCOME AVERAGING FOR FARMERS NOT TO INCREASE ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Section 55(c) of the Internal Revenue Code of 1986 (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

''(2) COORDINATION WITH INCOME AVERAGING FOR FARMERS.—Solely for purposes of this section, section 1301 (relating to averaging of farm income) shall not apply in computing the regular tax.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 104. FARM AND RANCH RISK MANAGEMENT ACCOUNTS.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 of the Internal Revenue Code of 1986 (relating to taxable year for which deductions taken) is amended by inserting after section 468B the following:

''SEC. 468C. FARM AND RANCH RISK MANAGEMENT ACCOUNTS.

''(a) DEDUCTION ALLOWED.—In the case of an individual engaged in an eligible farming business, there shall be allowed as a deduction for any taxable year the amount paid in cash by the taxpayer during the taxable year to a Farm and Ranch Risk Management Account (hereinafter referred to as the 'FARRM Account').

''(b) LIMITATION.—The amount which a taxpayer may pay into the FARRM Account for any taxable year shall not exceed 20 percent of so much of the taxable income of the taxpayer (determined without regard to this section) which is attributable (determined in the manner applicable under section 1301) to any eligible farming business.

''(c) ELIGIBLE FARMING BUSINESS.—For purposes of this section, the term 'eligible farming business' means any farming business (as defined in section 263A(e)(4)) which is not a

passive activity (within the meaning of section 469(c)) of the taxpayer.

''(d) FARRM ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'FARRM Account' means a trust created or organized in the United States for the exclusive benefit of the taxpayer, but only if the written governing instrument creating the trust meets the following requirements:

''(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deduction under subsection (a) for such year.

''(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

''(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

''(D) All income of the trust is distributed currently to the grantor.

''(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

''(2) ACCOUNT TAXED AS GRANTOR TRUST.—The grantor of a FARRM Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

''(e) INCLUSION OF AMOUNTS DISTRIBUTED.—

''(1) IN GENERAL.—Except as provided in paragraph (2), there shall be includible in the gross income of the taxpayer for any taxable year—

''(A) any amount distributed from a FARRM Account of the taxpayer during such taxable year, and

''(B) any deemed distribution under—

''(i) subsection (f)(1) (relating to deposits not distributed within 5 years),

''(ii) subsection (f)(2) (relating to cessation in eligible farming business), and

''(iii) subparagraph (A) or (B) of subsection (f)(3) (relating to prohibited transactions and pledging account as security).

''(2) EXCEPTIONS.—Paragraph (1)(A) shall not apply to—

''(A) any distribution to the extent attributable to income of the Account, and

''(B) the distribution of any contribution paid during a taxable year to a FARRM Account to the extent that such contribution exceeds the limitation applicable under subsection (b) if requirements similar to the requirements of section 408(d)(4) are met.

For purposes of subparagraph (A), distributions shall be treated as first attributable to income and then to other amounts.

''(f) SPECIAL RULES.—

''(1) TAX ON DEPOSITS IN ACCOUNT WHICH ARE NOT DISTRIBUTED WITHIN 5 YEARS.—

''(A) IN GENERAL.—If, at the close of any taxable year, there is a nonqualified balance in any FARRM Account—

''(i) there shall be deemed distributed from such Account during such taxable year an amount equal to such balance, and

''(ii) the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 10 percent of such deemed distribution.

The preceding sentence shall not apply if an amount equal to such nonqualified balance is distributed from such Account to the taxpayer before the due date (including extensions) for filing the return of tax imposed by this chapter for such year (or, if earlier, the date the taxpayer files such return for such year).

''(B) NONQUALIFIED BALANCE.—For purposes of subparagraph (A), the term 'nonqualified balance' means any balance in the Account on the last day of the taxable year which is attributable to amounts deposited in such Account before the 4th preceding taxable year.

''(C) ORDERING RULE.—For purposes of this paragraph, distributions from a FARRM Account (other than distributions of current income) shall be treated as made from deposits in the order in which such deposits were made, beginning with the earliest deposits.

''(2) CESSATION IN ELIGIBLE BUSINESS.—At the close of the first disqualification period after a period for which the taxpayer was engaged in an eligible farming business, there shall be deemed distributed from the FARRM Account of the taxpayer an amount equal to the balance in such Account (if any) at the close of such disqualification period. For purposes of the preceding sentence, the term 'disqualification period' means any period of 2 consecutive taxable years for which the taxpayer is not engaged in an eligible farming business.

''(3) CERTAIN RULES TO APPLY.—Rules similar to the following rules shall apply for purposes of this section:

''(A) Section 220(f)(8) (relating to treatment on death).

''(B) Section 408(e)(2) (relating to loss of exemption of account where individual engages in prohibited transaction).

''(C) Section 408(e)(4) (relating to effect of pledging account as security).

''(D) Section 408(g) (relating to community property laws).

''(E) Section 408(h) (relating to custodial accounts).

''(4) TIME WHEN PAYMENTS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a FARRM Account on the last day of a taxable year if such payment is made on account of such taxable year and is made on or before the due date (without regard to extensions) for filing the return of tax for such taxable year.

''(5) INDIVIDUAL.—For purposes of this section, the term 'individual' shall not include an estate or trust.

''(6) DEDUCTION NOT ALLOWED FOR SELF-EMPLOYMENT TAX.—The deduction allowable by reason of subsection (a) shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2.

''(g) REPORTS.—The trustee of a FARRM Account shall make such reports regarding such Account to the Secretary and to the person for whose benefit the Account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such persons at such time and in such manner as may be required by such regulations.''.

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) Subsection (a) of section 4973 of the Internal Revenue Code of 1986 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking ''or'' at the end of paragraph (3), by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following:

''(4) a FARRM Account (within the meaning of section 468C(d)), or''.

(2) Section 4973 of such Code, is amended by adding at the end the following:

''(g) EXCESS CONTRIBUTIONS TO FARRM ACCOUNTS.—For purposes of this section, in the case of a FARRM Account (within the meaning of section 468C(d)), the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the Account exceeds the amount which may be contributed to the Account under section 468C(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the FARRM Account in a distribution to which section 468C(e)(2)(B) applies shall be treated as an amount not contributed.''.

(3) The section heading for section 4973 of such Code is amended to read as follows:

''SEC. 4973. EXCESS CONTRIBUTIONS TO CERTAIN ACCOUNTS, ANNUITIES, ETC.''.

(4) The table of sections for chapter 43 of such Code is amended by striking the item relating to section 4973 and inserting the following:

''Sec. 4973. Excess contributions to certain accounts, annuities, etc.''.

(c) TAX ON PROHIBITED TRANSACTIONS.—

(1) Subsection (c) of section 4975 of the Internal Revenue Code of 1986 (relating to tax on prohibited transactions) is amended by adding at the end the following:

''(6) SPECIAL RULE FOR FARRM ACCOUNTS.—A person for whose benefit a FARRM Account (within the meaning of section 468C(d)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a FARRM Account by reason of the application of section 468C(f)(3)(A) to such account.''.

(2) Paragraph (1) of section 4975(e) of such Code is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following:

''(E) a FARRM Account described in section 468C(d),''.

(d) FAILURE TO PROVIDE REPORTS ON FARRM ACCOUNTS.—Paragraph (2) of section 6693(a) of the Internal Revenue Code of 1986 (relating to failure to provide reports on certain tax-favored accounts or annuities) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following:

''(C) section 468C(g) (relating to FARRM Accounts),''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart C of part II of subchapter E of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 468B the following:

''Sec. 468C. Farm and Ranch Risk Management Accounts.''.

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

Subtitle B—Estate and Gift Tax Relief

SEC. 111. REPEAL OF ESTATE, GIFT, AND GENERATION-SKIPPING TAXES.

(a) IN GENERAL.—Subtitle B of the Internal Revenue Code of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to the estates of decedents dying, and gifts and generation-skipping transfers made, after December 31, 2010.

SEC. 112. TERMINATION OF STEP UP IN BASIS AT DEATH.

(a) TERMINATION OF APPLICATION OF SECTION 1014.—Section 1014 of the Internal Revenue Code of 1986 (relating to basis of property acquired from a decedent) is amended by adding at the end the following:

''(f) TERMINATION.—In the case of a decedent dying after December 31, 2010, this section shall not apply to property for which basis is provided by section 1022.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 1016 of the Internal Revenue Code of 1986 (relating to adjustments to basis) is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting '', and'', and by adding at the end the following:

''(28) to the extent provided in section 1022 (relating to basis for certain property acquired from a decedent dying after December 31, 2010).''.

SEC. 113. CARRYOVER BASIS AT DEATH.

(a) GENERAL RULE.—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

''SEC. 1022. CARRYOVER BASIS FOR CERTAIN PROPERTY ACQUIRED FROM A DECEDENT DYING AFTER DECEMBER 31, 2010.

''(a) CARRYOVER BASIS.—Except as otherwise provided in this section, the basis of carryover basis property in the hands of a person acquiring such property from a decedent shall be determined under section 1015.

''(b) CARRYOVER BASIS PROPERTY DEFINED.—

''(1) IN GENERAL.—For purposes of this section, the term 'carryover basis property' means any property—

''(A) which is acquired from or passed from a decedent who died after December 31, 2010, and

''(B) which is not excluded pursuant to paragraph (2).

The property taken into account under subparagraph (A) shall be determined under section 1014(b) without regard to subparagraph (A) of the last sentence of paragraph (9) thereof.

''(2) CERTAIN PROPERTY NOT CARRYOVER BASIS PROPERTY.—The term 'carryover basis property' does not include—

''(A) any item of gross income in respect of a decedent described in section 691,

''(B) property of the decedent to the extent that the aggregate adjusted fair market value of such property does not exceed $1,300,000, and

''(C) property which was acquired from the decedent by the surviving spouse of the decedent (and which would be carryover basis property without regard to this subparagraph) but only if the value of such property would have been deductible from the value of the taxable estate of the decedent under section 2056, as in effect on the day before the date of enactment of the Rural America Prosperity Act of 2001.

For purposes of this subsection, the term 'adjusted fair market value' means, with respect to any property, fair market value reduced by any indebtedness secured by such property.

''(3) LIMITATION ON EXCEPTION FOR PROPERTY ACQUIRED BY SURVIVING SPOUSE.—The adjusted fair market value of property which is not carryover basis property by reason of paragraph (2)(C) shall not exceed $3,000,000.

''(4) ALLOCATION OF EXCEPTED AMOUNTS.—The executor shall allocate the limitations under paragraphs (2)(B) and (3).

''(5) INFLATION ADJUSTMENT OF EXCEPTED AMOUNTS.—In the case of decedents dying in a calendar year after 2011, the dollar amounts in paragraphs (2)(B) and (3) shall each be increased by an amount equal to the product of—

''(A) such dollar amount, and

''(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2010' for '1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $10,000, such increase shall be rounded to the nearest multiple of $10,000.

''(c) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.''.

(b) MISCELLANEOUS AMENDMENTS RELATED TO CARRYOVER BASIS.—

(1) CAPITAL GAIN TREATMENT FOR INHERITED ART WORK OR SIMILAR PROPERTY.—

(A) IN GENERAL.—Subparagraph (C) of section 1221(a)(3) of the Internal Revenue Code of 1986 (defining capital asset) is amended by inserting ''(other than by reason of section 1022)'' after ''is determined''.

(B) COORDINATION WITH SECTION 170.—Paragraph (1) of section 170(e) of such Code (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following: ''For purposes of this paragraph, the determination of whether property is a capital asset shall be made without regard to the exception contained in section 1221(a)(3)(C) for basis determined under section 1022.''.

(2) DEFINITION OF EXECUTOR.—Section 7701(a) of such Code (relating to definitions) is amended by adding at the end the following:

''(47) EXECUTOR.—The term 'executor' means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent.''.

(3) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 1022. Carryover basis for certain property acquired from a decedent dying after December 31, 2010.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2010.

SEC. 114. ADDITIONAL REDUCTIONS OF ESTATE AND GIFT TAX RATES.

(a) MAXIMUM RATE OF TAX REDUCED TO 50 PERCENT.—

(1) IN GENERAL.—The table contained in section 2001(c)(1) of the Internal Revenue Code of 1986 is amended by striking the two highest brackets and inserting the following:

''Over $2,500,000	$1,025,800, plus 50% of the excess over $2,500,000.''.

(2) PHASE-IN OF REDUCED RATE.—Subsection (c) of section 2001 of such Code is amended by adding at the end the following new paragraph:

''(3) PHASE-IN OF REDUCED RATE.—In the case of decedents dying, and gifts made, during 2002, the last item in the table contained in paragraph (1) shall be applied by substituting '53%' for '50%'.''.

(b) REPEAL OF PHASEOUT OF GRADUATED RATES.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986 is amended by striking paragraph (2) and redesignating paragraph (3), as added by subsection (a), as paragraph (2).

(c) ADDITIONAL REDUCTIONS OF RATES OF TAX.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986, as so amended, is amended by adding at the end the following new paragraph:

''(3) PHASEDOWN OF TAX.—In the case of estates of decedents dying, and gifts made, during any calendar year after 2003 and before 2011—

''(A) IN GENERAL.—Except as provided in subparagraph (C), the tentative tax under this subsection shall be determined by using a table prescribed by the Secretary (in lieu of using the table contained in paragraph (1)) which is the same as such table; except that—

''(i) each of the rates of tax shall be reduced by the number of percentage points determined under subparagraph (B), and

''(ii) the amounts setting forth the tax shall be adjusted to the extent necessary to reflect the adjustments under clause (i).

''(B) PERCENTAGE POINTS OF REDUCTION.—

''For calendar year:	**The number of percentage points is:**
2004	1.0
2005	2.0
2006	3.0
2007	4.0
2008	5.5
2009	7.5
2010	9.5.

''(C) COORDINATION WITH INCOME TAX RATES.—The reductions under subparagraph (A)—

''(i) shall not reduce any rate under paragraph (1) below the lowest rate in section 1(c), and

''(ii) shall not reduce the highest rate under paragraph (1) below the highest rate in section 1(c).

''(D) COORDINATION WITH CREDIT FOR STATE DEATH TAXES.—Rules similar to the rules of subparagraph (A) shall apply to the table contained in section 2011(b) except that the Secretary shall prescribe percentage point reductions which maintain the proportionate relationship (as in effect before any reduction under this paragraph) between the credit under section 2011 and the tax rates under subsection (c).''.

(d) EFFECTIVE DATES.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to estates of decedents dying, and gifts made, after December 31, 2001.

(2) SUBSECTION (c).—The amendment made by subsection (c) shall apply to estates of decedents dying, and gifts made, after December 31, 2003.

SEC. 115. UNIFIED CREDIT AGAINST ESTATE AND GIFT TAXES REPLACED WITH UNIFIED EXEMPTION AMOUNT.

(a) IN GENERAL.—

(1) ESTATE TAX.—Subsection (b) of section 2001 of the Internal Revenue Code of 1986 (relating to computation of tax) is amended to read as follows:

''(b) COMPUTATION OF TAX.—

''(1) IN GENERAL.—The tax imposed by this section shall be the amount equal to the excess (if any) of—

''(A) the tentative tax determined under paragraph (2), over

''(B) the aggregate amount of tax which would have been payable under chapter 12 with respect to gifts made by the decedent after December 31, 1976, if the provisions of subsection (c) (as in effect at the decedent's death) had been applicable at the time of such gifts.

''(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph is a tax computed under subsection (c) on the excess of—

''(A) the sum of—

''(i) the amount of the taxable estate, and

''(ii) the amount of the adjusted taxable gifts, over

''(B) the exemption amount for the calendar year in which the decedent died.

''(3) EXEMPTION AMOUNT.—For purposes of paragraph (2), the term 'exemption amount' means the amount determined in accordance with the following table:

"In the case of calendar year:	The exemption amount is:
2001	$675,000
2002 and 2003	$700,000
2003	$850,000
2005	$950,000
2006 or thereafter	$1,000,000.

''(4) ADJUSTED TAXABLE GIFTS.—For purposes of paragraph (2), the term 'adjusted taxable gifts' means the total amount of the taxable gifts (within the meaning of section 2503) made by the decedent after December 31, 1976, other than gifts which are includible in the gross estate of the decedent.''.

(2) GIFT TAX.—Subsection (a) of section 2502 of such Code (relating to computation of tax) is amended to read as follows:

''(a) COMPUTATION OF TAX.—

''(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be the amount equal to the excess (if any) of—

''(A) the tentative tax determined under paragraph (2), over

''(B) the tax paid under this section for all prior calendar periods.

''(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph for a calendar year is a tax computed under section 2001(c) on the excess of—

''(A) the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

''(B) the exemption amount under section 2001(b)(3) for such calendar year.''.

(b) REPEAL OF UNIFIED CREDITS.—

(1) Section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is hereby repealed.

(2) Section 2505 of such Code (relating to unified credit against gift tax) is hereby repealed.

(c) CONFORMING AMENDMENTS.—

(1)(A) Subsection (b) of section 2011 of the Internal Revenue Code of 1986 is amended—

(i) by striking ''adjusted'' in the table; and

(ii) by striking the last sentence.

(B) Subsection (f) of section 2011 of such Code is amended by striking '', reduced by the amount of the unified credit provided by section 2010''.

(2) Subsection (a) of section 2012 of such Code is amended by striking ''and the unified credit provided by section 2010''.

(3) Subparagraph (A) of section 2013(c)(1) of such Code is amended by striking ''2010,''.

(4) Paragraph (2) of section 2014(b) of such Code is amended by striking ''2010, 2011,'' and inserting ''2011''.

(5) Clause (ii) of section 2056A(b)(12)(C) of such Code is amended to read as follows:

''(ii) to treat any reduction in the tax imposed by paragraph (1)(A) by reason of the credit allowable under section 2010 (as in effect on the day before the date of enactment of the Rural America Prosperity Act of 2001) or the exemption amount allowable under section 2001(b) with respect to the decedent as a credit under section 2505 (as so in effect) or exemption under section 2521 (as the case may be) allowable to such surviving spouse for purposes of determining the amount of the exemption allowable under section 2521 with respect to taxable gifts made by the surviving spouse during the year in which the spouse becomes a citizen or any subsequent year,''.

(6) Subsection (a) of section 2057 of such Code is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) MAXIMUM DEDUCTION.—The deduction allowed by this section shall not exceed the excess of $1,300,000 over the exemption amount (as defined in section 2001(b)(3)).''.

(7)(A) Subsection (b) of section 2101 of such Code is amended to read as follows:

''(b) COMPUTATION OF TAX.—

''(1) IN GENERAL.—The tax imposed by this section shall be the amount equal to the excess (if any) of—

''(A) the tentative tax determined under paragraph (2), over

''(B) a tentative tax computed under section 2001(c) on the amount of the adjusted taxable gifts.

''(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph is a tax computed under section 2001(c) on the excess of—

''(A) the sum of—

''(i) the amount of the taxable estate, and

''(ii) the amount of the adjusted taxable gifts, over

''(B) the exemption amount for the calendar year in which the decedent died.

''(3) EXEMPTION AMOUNT.—

''(A) IN GENERAL.—The term 'exemption amount' means $60,000.

''(B) RESIDENTS OF POSSESSIONS OF THE UNITED STATES.—In the case of a decedent who is considered to be a nonresident not a citizen of the United States under section 2209, the exemption amount under this paragraph shall be the greater of—

''(i) $60,000, or

''(ii) that proportion of $175,000 which the value of that part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated.

''(C) SPECIAL RULES.—

''(i) COORDINATION WITH TREATIES.—To the extent required under any treaty obligation of the United States, the exemption amount allowed under this paragraph shall be equal to the amount which bears the same ratio to the exemption amount under section 2001(b)(3) (for the calendar year in which the decedent died) as the value of the part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated. For purposes of the preceding sentence, property shall not be treated as situated in the United States if such property is exempt from the tax imposed by this subchapter under any treaty obligation of the United States.

''(ii) COORDINATION WITH GIFT TAX EXEMPTION AND UNIFIED CREDIT.—If an exemption has been allowed under section 2521 (or a credit has been allowed under section 2505 as in effect on the day before the date of enactment of the Rural America Prosperity Act of 2001) with respect to any gift made by the decedent, each dollar amount contained in subparagraph (A) or (B) or the exemption amount applicable under clause (i) of this subparagraph (whichever applies) shall be reduced by the exemption so allowed under section 2521 (or, in the case of such a credit, by the amount of the gift for which the credit was so allowed).''.

(8) Section 2102 of such Code is amended by striking subsection (c).

(9)(A) Subsection (a) of section 2107 of such Code is amended by adding at the end the following new paragraph:

''(3) LIMITATION ON EXEMPTION AMOUNT.—Subparagraphs (B) and (C) of section 2101(b)(3) shall not apply in applying section 2101 for purposes of this section.''.

(B) Subsection (c) of section 2107 of such Code is amended—

(i) by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(ii) by striking the second sentence of paragraph (2) (as so redesignated).

(10) Paragraph (1) of section 6018(a) of such Code is amended by striking ''the applicable exclusion amount in effect under section 2010(c)'' and inserting ''the exemption amount under section 2001(b)(3)''.

(11) Subparagraph (A) of section 6601(j)(2) of such Code is amended to read as follows:

''(A) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were $1,000,000, or''.

(12) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2010.

(13) The table of sections for subchapter A of chapter 12 of such Code is amended by striking the item relating to section 2505.

(d) EFFECTIVE DATE.—The amendments made by this section—

(1) insofar as they relate to the tax imposed by chapter 11 of the Internal Revenue Code of 1986, shall apply to estates of decedents dying after December 31, 2001, and

(2) insofar as they relate to the tax imposed by chapter 12 of such Code, shall apply to gifts made after December 31, 2001.

SEC. 116. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) IN GENERAL.—Section 2632 of the Internal Revenue Code of 1986 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

''(c) DEEMED ALLOCATION TO CERTAIN LIFETIME TRANSFERS TO GST TRUSTS.—

''(1) IN GENERAL.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

''(2) UNUSED PORTION.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

''(A) allocated by such individual,

''(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

''(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

''(3) DEFINITIONS.—

''(A) INDIRECT SKIP.—For purposes of this subsection, the term 'indirect skip' means any transfer of property (other than a direct skip) subject to the tax imposed by chapter 12 made to a GST trust.

''(B) GST TRUST.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

''(i) the trust instrument provides that more than 25 percent of the trust corpus

must be distributed to or may be withdrawn by one or more individuals who are non-skip persons—

''(I) before the date that the individual attains age 46,

''(II) on or before one or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

''(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46;

''(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

''(iii) the trust instrument provides that, if one or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of one or more of such individuals or is subject to a general power of appointment exercisable by one or more of such individuals;

''(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer;

''(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)); or

''(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

''(4) AUTOMATIC ALLOCATIONS TO CERTAIN GST TRUSTS.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

''(5) APPLICABILITY AND EFFECT.—

''(A) IN GENERAL.—An individual—

''(i) may elect to have this subsection not apply to—

''(I) an indirect skip, or

''(II) any or all transfers made by such individual to a particular trust, and

''(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

''(B) ELECTIONS.—

''(i) ELECTIONS WITH RESPECT TO INDIRECT SKIPS.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

''(ii) OTHER ELECTIONS.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

''(d) RETROACTIVE ALLOCATIONS.—

''(1) IN GENERAL.—If—

''(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

''(B) such person—

''(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

''(ii) is assigned to a generation below the generation assignment of the transferor, and

''(C) such person predeceases the transferor,

then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

''(2) SPECIAL RULES.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

''(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

''(B) such allocation shall be effective immediately before such death, and

''(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

''(3) FUTURE INTEREST.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2632(b) of the Internal Revenue Code of 1986 is amended by striking ''with respect to a direct skip'' and inserting ''or subsection (c)(1)''.

(c) EFFECTIVE DATES.—

(1) DEEMED ALLOCATION.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 made after December 31, 2000, and to estate tax inclusion periods ending after December 31, 2000.

(2) RETROACTIVE ALLOCATIONS.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after December 31, 2000.

SEC. 117. SEVERING OF TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 2642 of the Internal Revenue Code of 1986 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

''(3) SEVERING OF TRUSTS.—

''(A) IN GENERAL.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

''(B) QUALIFIED SEVERANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of two or more trusts if—

''(I) the single trust was divided on a fractional basis, and

''(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

''(ii) TRUSTS WITH INCLUSION RATIO GREATER THAN ZERO.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into two trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.

''(iii) REGULATIONS.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

''(C) TIMING AND MANNER OF SEVERANCES.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to severances after December 31, 2000.

SEC. 118. MODIFICATION OF CERTAIN VALUATION RULES.

(a) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—Paragraph (1) of section 2642(b) of the Internal Revenue Code of 1986 (relating to valuation rules, etc.) is amended to read as follows:

''(1) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

''(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

''(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.''.

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) TRANSFERS AT DEATH.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 2000.

SEC. 119. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) RELIEF PROVISIONS.—

''(1) RELIEF FROM LATE ELECTIONS.—

''(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

''(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

''(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of enactment of this paragraph.

''(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

''(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have the lowest possible inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces the lowest possible inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.''.

(b) EFFECTIVE DATES.—

(1) RELIEF FROM LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, December 31, 2000.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 2000. No implication is intended with respect to the availability of relief from late elections or the application of a rule of substantial compliance on or before such date.

SEC. 120. EXPANSION OF ESTATE TAX RULE FOR CONSERVATION EASEMENTS.

(a) WHERE LAND IS LOCATED.—

(1) IN GENERAL.—Clause (i) of section 2031(c)(8)(A) of the Internal Revenue Code of 1986 (defining land subject to a conservation easement) is amended—

(A) by striking ''25 miles'' both places it appears and inserting ''50 miles''; and

(B) striking ''10 miles'' and inserting ''25 miles''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2000.

(b) CLARIFICATION OF DATE FOR DETERMINING VALUE OF LAND AND EASEMENT.—

(1) IN GENERAL.—Section 2031(c)(2) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended by adding at the end the following new sentence: ''The values taken into account under the preceding sentence shall be such values as of the date of the contribution referred to in paragraph (8)(B).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to estates of decedents dying after December 31, 1997.

TITLE II—STUDY OF COSTS OF REGULATIONS ON FARMERS, RANCHERS, AND FORESTERS

SEC. 201. COMPTROLLER GENERAL STUDY OF REGULATIONS.

(a) DATA REVIEW AND COLLECTION.—The Comptroller General of the United States shall—

(1) conduct a review of existing Federal and non-Federal studies and data regarding the cost to farmers, ranchers, and foresters of complying with existing or proposed Federal regulations directly affecting farmers, ranchers, and foresters; and

(2) as necessary, obtain and analyze new data concerning the costs to farmers, ranchers, and foresters of complying with Federal regulations proposed as of February 1, 2001, directly affecting farmers, ranchers, and foresters.

(b) USE OF DATA.—Using the studies and data reviewed and collected under subsection (a), the Comptroller General shall—

(1) assess the overall costs to farmers, ranchers, and foresters of complying with existing and proposed Federal regulations directly affecting farmers, ranchers, and foresters; and

(2) identify and recommend reasonable alternatives to those regulations that will achieve the objectives of the regulations at less cost to farmers, ranchers, and foresters.

(c) SUBMISSION OF RESULTS.—Not later than February 1, 2002, the Comptroller General shall submit to the Secretary of Agriculture, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives the results of the assessment conducted under subsection (b)(1) and the recommendations prepared under subsection (b)(2).

SEC. 202. RESPONSE OF SECRETARY OF AGRICULTURE.

Not later than April 1, 2002, the Secretary of Agriculture shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives a report responding to the recommendations of the Comptroller General under section 202 regarding reasonable alternatives that could achieve the objectives of Federal regulations at less cost to farmers, ranchers, and foresters.

TITLE III—EXTENSION OF TRADE AUTHORITIES PROCEDURES FOR RECIPROCAL TRADE AGREEMENTS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Reciprocal Trade Agreement Authorities Act of 2001''.

SEC. 302. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 303 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trading disciplines and procedures, including dispute settlement; and

(4) to foster economic growth, raise living standards, and promote full employment in the United States and to enhance the global economy.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE BARRIERS AND DISTORTIONS.—The principal negotiating objectives of the United States regarding trade barriers and other trade distortions are—

(A) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, with particular attention to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States regarding trade in services is to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment or unreasonably restrict the establishment or operations of service suppliers.

(3) FOREIGN INVESTMENT.—The principal negotiating objective of the United States regarding foreign investment is to reduce or eliminate artificial or trade-distorting barriers to trade related foreign investment by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice; and

(E) providing meaningful procedures for resolving investment disputes.

(4) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to United States industries whose products are subject to the lengthiest transition periods for full compliance by developing countries with that Agreement, and

(II) ensuring that the provisions of any multilateral or bilateral trade agreement entered into by the United States provide protection at least as strong as the protection afforded by chapter 17 of the North American Free Trade Agreement and the annexes thereto;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights; and

(iv) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil,

administrative, and criminal enforcement mechanisms; and

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection.

(5) TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain broader application of the principle of transparency through—

(A) increased and more timely public access to information regarding trade issues and the activities of international trade institutions; and

(B) increased openness of dispute settlement proceedings, including under the World Trade Organization.

(6) RECIPROCAL TRADE IN AGRICULTURE.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk and value-added commodities by—

(A) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(i) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(ii) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;

(B) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(C) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, including—

(i) unfair or trade-distorting activities of export state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of export state trading enterprises and such other mechanisms;

(ii) unjustified trade restrictions or commercial requirements affecting new technologies, including biotechnology;

(iii) unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(iv) other unjustified technical barriers to trade; and

(v) restrictive rules in the administration of tariff-rate quotas;

(D) improving import relief mechanisms to recognize the unique characteristics of perishable agriculture;

(E) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(F) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements; and

(G) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture.

(7) LABOR, ENVIRONMENT, AND OTHER MATTERS.—The principal negotiating objective of the United States regarding labor, environment, and other matters is to address the following aspects of foreign government policies and practices regarding labor, environment, and other matters that are directly related to trade:

(A) To ensure that foreign labor, environmental, health, or safety policies and practices do not arbitrarily or unjustifiably discriminate or serve as disguised barriers to trade.

(B) To ensure that foreign governments do not derogate from or waive existing domestic environmental, health, safety, or labor measures, including measures that deter exploitative child labor, as an encouragement to gain competitive advantage in international trade or investment. Nothing in this subparagraph is intended to address changes to a country's laws that are consistent with sound macroeconomic development.

(8) WTO EXTENDED NEGOTIATIONS.—The principal negotiating objectives of the United States regarding trade in financial services are those set forth in section 135(a) of the Uruguay Round Agreements Act (19 U.S.C. 3555(a)), regarding trade in civil aircraft are those set forth in section 135(c) of that Act, and regarding rules of origin are the conclusion of an agreement described in section 132 of that Act (19 U.S.C. 3552).

(c) INTERNATIONAL ECONOMIC POLICY OBJECTIVES.—

(1) IN GENERAL.—The President should take into account the relationship between trade agreements and other important priorities of the United States and seek to ensure that the trade agreements entered into by the United States complement and reinforce other policy goals. The United States priorities in this area include—

(A) seeking to ensure that trade and environmental policies are mutually supportive;

(B) seeking to protect and preserve the environment and enhance the international means for doing so, while optimizing the use of the world's resources;

(C) promoting respect for worker rights and the rights of children and an understanding of the relationship between trade and worker rights, particularly by working with the International Labor Organization to encourage the observance and enforcement of core labor standards, including the prohibition on exploitative child labor; and

(D) supplementing and strengthening standards for protection of intellectual property under conventions administered by international organizations other than the World Trade Organization, expanding these conventions to cover new and emerging technologies, and eliminating discrimination and unreasonable exceptions or preconditions to such protection.

(2) APPLICABILITY OF TRADE AUTHORITIES PROCEDURES.—Nothing in this subsection shall be construed to authorize the use of the trade authorities procedures described in section 303 to modify United States law.

(d) GUIDANCE FOR NEGOTIATORS.—

(1) DOMESTIC OBJECTIVES.—In pursuing the negotiating objectives described in subsection (b), the negotiators on behalf of the United States shall take into account United States domestic objectives, including the protection of health and safety, essential security, environmental, consumer, and employment opportunity interests, and the law and regulations related thereto.

(2) CONSULTATIONS WITH CONGRESSIONAL ADVISERS AND ENFORCEMENT OF THE TRADE LAWS.—In the course of negotiations conducted under this title, the United States Trade Representative shall—

(A) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the congressional advisers on trade policy and negotiations appointed under section 161 of the Trade Act of 1974; and

(B) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping and countervailing duty laws, and avoid agreements which lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions.

(e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY ROUND AGREEMENTS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

SEC. 303. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, and objectives of this title will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) October 1, 2003, or

(ii) October 1, 2007, if trade authorities procedures are extended under subsection (c), and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement. The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of enactment of this Act) to a rate of duty that is less than 50 percent of the rate of the duty that applies on such date of enactment;

(B) reduces the rate of duty on an article to take effect on a date that is more than 10 years after the first reduction that is proclaimed to carry out a trade agreement with respect to such article; or

(C) increases any rate of duty above the rate that applied on January 1, 2001.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a

trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 305 and that bill is enacted into law.

(6) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B) and (2) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization or as part of an interim agreement leading to the formation of a regional free-trade area.

(7) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—(A) Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy, or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect,

and that the purposes, policies, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) October 1, 2003, or

(ii) October 1, 2007, if trade authorities procedures are extended under subsection (c).

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in section 302 and the President satisfies the conditions set forth in section 304.

(3) BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.—The provisions of section 151 of the Trade Act of 1974 (in this title referred to as ''trade authorities procedures'') apply to a bill of either House of Congress consisting only of—

(A) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement,

(B) provisions directly related to the principal trade negotiating objectives set forth in section 302(b) achieved in such trade agreement, if those provisions are necessary for the operation or implementation of United States rights or obligations under such trade agreement,

(C) provisions that define and clarify, or provisions that are related to, the operation or effect of the provisions of the trade agreement,

(D) provisions to provide adjustment assistance to workers and firms adversely affected by trade, and

(E) provisions necessary for purposes of complying with section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 in implementing the trade agreement,

to the same extent as such section 151 applies to implementing bills under that section. A bill to which this subparagraph applies shall hereafter in this title be referred to as an ''implementing bill''.

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL TRADE AUTHORITIES PROCEDURES.—

(1) IN GENERAL.—Except as provided in section 305(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before October 1, 2003; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after September 30, 2003, and before October 1, 2007, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before October 1, 2003.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to the Congress, not later than July 1, 2003, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) REPORT TO CONGRESS BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than August 1, 2003, a written report that contains—

(A) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this title; and

(B) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) REPORTS MAY BE CLASSIFIED.—The reports submitted to the Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) EXTENSION DISAPPROVAL RESOLUTION.—(A) For purposes of paragraph (1), the term ''extension disapproval resolution'' means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: ''That the ___ disapproves the request of the President for the extension, under section 303(c)(1)(B)(i) of the Reciprocal Trade Agreement Authorities Act of 2001, of the provisions of section 151 of the Trade Act of 1974 to any implementing bill submitted with respect to any trade agreement entered into under section 303(b) of the Reciprocal Trade Agreement Authorities Act of 2001 after September 30, 2003.'', with the blank space being filled with the name of the resolving House of the Congress.

(B) An extension disapproval resolution—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and to the Committee on Rules.

(C) The provisions of sections 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to an extension disapproval resolution.

(D) It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after September 30, 2003.

SEC. 304. CONSULTATIONS.

(a) NOTICE AND CONSULTATION BEFORE NEGOTIATION.—

(1) IN GENERAL.—The President, with respect to any agreement that is subject to the provisions of section 303(b), shall—

(A) provide, at least 90 calendar days before initiating negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific United

States objectives for the negotiations, and whether the President intends to seek an agreement, or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and such other committees of the House and Senate as the President deems appropriate.

(2) CONSULTATIONS REGARDING NEGOTIATIONS ON CERTAIN OBJECTIVES.—

(A) CONSULTATION.—In addition to the requirements set forth in paragraph (1), before initiating negotiations with respect to a trade agreement subject to section 303(b) where the subject matter of such negotiations is directly related to the principal trade negotiating objectives set forth in section 302(b)(1) or section 302(b)(7), the President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and with the appropriate advisory groups established under section 135 of the Trade Act of 1974 with respect to such negotiations.

(B) SCOPE.—The consultations described in subparagraph (A) shall concern the manner in which the negotiation will address the objective of reducing or eliminating a specific tariff or nontariff barrier or foreign government policy or practice directly related to trade that decreases market opportunities for United States exports or otherwise distorts United States trade.

(3) NEGOTIATIONS REGARDING AGRICULTURE.—Before initiating negotiations the subject matter of which is directly related to the subject matter under section 302(b)(6)(A) with any country, the President shall assess whether United States tariffs on agriculture products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(b) CONSULTATION WITH CONGRESS BEFORE AGREEMENTS ENTERED INTO.—

(1) CONSULTATION.—Before entering into any trade agreement under section 303(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement.

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, and objectives of this title; and

(C) the implementation of the agreement under section 305, including the general effect of the agreement on existing laws.

(c) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 303(a) or (b) of this Act shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 303(a)(1) or 305(a)(1)(A) of the President's intention to enter into the agreement.

SEC. 305. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 303(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) within 60 days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 303(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) SUPPORTING INFORMATION.—The supporting information required under paragraph (1)(C)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, and objectives of this title;

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce; and

(IV) how the implementing bill meets the standards set forth in section 303(b)(3).

(3) RECIPROCAL BENEFITS.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 303(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(b) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(1) FOR LACK OF CONSULTATIONS.—

(A) IN GENERAL.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 303(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to that trade agreement, the other House separately agrees to a procedural disapproval resolution with respect to that agreement.

(B) PROCEDURAL DISAPPROVAL RESOLUTION.—For purposes of this paragraph, the term ''procedural disapproval resolution'' means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: ''That the President has failed or refused to notify or consult (as the case may be) with Congress in accordance with section 304 or 305 of the Reciprocal Trade Agreement Authorities Act of 2001 on negotiations with respect to, or entering into, a trade agreement to which section 303(b) of that Act applies and, therefore, the provisions of section 151 of the Trade Act of 1974 shall not apply to any implementing bill submitted with respect to that trade agreement.''.

(2) PROCEDURES FOR CONSIDERING RESOLUTION.—(A) A procedural disapproval resolution—

(i) in the House of Representatives—

(I) shall be introduced by the chairman or ranking minority member of the Committee on Ways and Means or the chairman or ranking minority member of the Committee on Rules;

(II) shall be referred to the Committee on Ways and Means and to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate shall be an original resolution of the Committee on Finance.

(B) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution.

(C) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and by the Committee on Rules.

(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (b) of this section and section 303(c) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 306. TREATMENT OF CERTAIN TRADE AGREEMENTS.

(a) CERTAIN AGREEMENTS.—Notwithstanding section 303(b)(2), if an agreement to which section 303(b) applies—

(1) is entered into under the auspices of the World Trade Organization regarding trade in information technology products,

(2) is entered into under the auspices of the World Trade Organization regarding extended negotiations on financial services as described in section 135(a) of the Uruguay Round Agreements Act (19 U.S.C. 3555(a)),

(3) is entered into under the auspices of the World Trade Organization regarding the rules of origin work program described in Article 9 of the Agreement on Rules of Origin referred to in section 101(d)(10) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(10)), or

(4) is entered into with Chile,

and results from negotiations that were commenced before the date of enactment of this Act, subsection (b) shall apply.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 304(a), and any procedural disapproval resolution under section 305(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 304(a); and

(2) the President shall consult regarding the negotiations described in subsection (a) with the committees described in section 304(a)(1)(B) as soon as feasible after the enactment of this Act.

SEC. 307. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) IMPLEMENTING BILL.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended by striking ''section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act'' and inserting ''section 282 of the Uruguay Round Agreements Act, or section 305(a)(1) of the Reciprocal Trade Agreement Authorities Act of 2001''.

(B) Section 151(c)(1) (19 U.S.C. 2191(c)(1)) is amended by striking ''or section 282 of the Uruguay Round Agreements Act'' and inserting '', section 282 of the Uruguay Round Agreements Act, or section 305(a)(1) of the Reciprocal Trade Agreement Authorities Act of 2001''.

(2) ADVICE FROM INTERNATIONAL TRADE COMMISSION.—Section 131 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 123 of this Act or section 1102 (a) or (c) of the Omnibus Trade and Competitiveness Act of 1988,'' and inserting ''section 123 of this Act or section 303(a) or (b) of the Reciprocal Trade Agreement Authorities Act of 2001,''; and

(ii) in paragraph (2), by striking ''section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 303(b) of the Reciprocal Trade Agreement Authorities Act of 2001'';

(B) in subsection (b), by striking ''section 1102(a)(3)(A)'' and inserting ''section 303(a)(3)(A) of the Reciprocal Trade Agreement Authorities Act of 2001'' before the end period; and

(C) in subsection (c), by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988,'' and inserting ''section 303 of the Reciprocal Trade Agreement Authorities Act of 2001,''.

(3) HEARINGS AND ADVICE.—Sections 132, 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and 2154(a)) are each amended by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988,'' each place it appears and inserting ''section 303 of the Reciprocal Trade Agreement Authorities Act of 2001,''.

(4) PREREQUISITES FOR OFFERS.—Section 134(b) (19 U.S.C. 2154(b)) is amended by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 303 of the Reciprocal Trade Agreement Authorities Act of 2001''.

(5) ADVICE FROM PRIVATE AND PUBLIC SECTORS.—Section 135 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 303 of the Reciprocal Trade Agreement Authorities Act of 2001'';

(B) in subsection (e)(1)—

(i) by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' each place it appears and inserting ''section 303 of the Reciprocal Trade Agreement Authorities Act of 2001''; and

(ii) by striking ''section 1103(a)(1)(A) of such Act of 1988'' and inserting ''section 305(a)(1)(A) of the Reciprocal Trade Agreement Authorities Act of 2001''; and

(C) in subsection (e)(2), by striking ''section 1101 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 302 of the Reciprocal Trade Agreement Authorities Act of 2001''.

(6) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) (19 U.S.C. 2212(a)) is amended by striking ''or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''or under section 303 of the Reciprocal Trade Agreement Authorities Act of 2001''.

(b) APPLICATION OF CERTAIN PROVISIONS.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and 2137)—

(1) any trade agreement entered into under section 303 shall be treated as an agreement entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 303 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 308. DEFINITIONS.

In this title:

(1) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(2) URUGUAY ROUND AGREEMENTS.—The term ''Uruguay Round Agreements'' has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(3) WORLD TRADE ORGANIZATION.—The term ''World Trade Organization'' means the organization established pursuant to the WTO Agreement.

(4) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

TITLE IV—AGRICULTURAL TRADE FREEDOM

SEC. 401. SHORT TITLE.

This title may be cited as the ''Agricultural Trade Freedom Act''.

SEC. 402. DEFINITIONS.

In this title, the terms ''agricultural commodity'' and ''United States agricultural commodity'' have the meanings given the terms in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

SEC. 403. AGRICULTURAL COMMODITIES, LIVESTOCK, AND PRODUCTS EXEMPT FROM UNILATERAL AGRICULTURAL SANCTIONS.

Subtitle B of title IV of the Agricultural Trade Act of 1978 (7 U.S.C. 5661 et seq.) is amended by adding at the end the following:

''SEC. 418. AGRICULTURAL COMMODITIES, LIVESTOCK, AND PRODUCTS EXEMPT FROM UNILATERAL AGRICULTURAL SANCTIONS.

''(a) DEFINITIONS.—In this section:

''(1) CURRENT SANCTION.—The term 'current sanction' means a unilateral agricultural sanction that is in effect on the date of enactment of the Agricultural Trade Freedom Act.

''(2) NEW SANCTION.—The term 'new sanction' means a unilateral agricultural sanction that becomes effective after the date of enactment of that Act.

''(3) UNILATERAL AGRICULTURAL SANCTION.—The term 'unilateral agricultural sanction' means any prohibition, restriction, or condition that is imposed on the export of an agricultural commodity to a foreign country or foreign entity and that is imposed by the United States for reasons of the national interest, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other members of that regime have agreed to impose substantially equivalent measures.

''(b) EXEMPTION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3) and notwithstanding any other provision of law, agricultural commodities made available as a result of commercial sales shall be exempt from a unilateral agricultural sanction imposed by the United States on another country.

''(2) EXCLUSIONS.—Paragraph (1) shall not apply to agricultural commodities made available as a result of programs carried out under—

''(A) the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

''(B) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

''(C) the Food for Progress Act of 1985 (7 U.S.C. 1736o);

''(D) the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.); or

''(E) section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14).

''(3) DETERMINATION BY PRESIDENT.—The President may include agricultural commodities made available as a result of the activities described in paragraph (1) in the unilateral agricultural sanction imposed on a foreign country or foreign entity if—

''(A) a declaration of war by Congress is in effect with respect to the foreign country or foreign entity; or

''(B)(i) the President determines that inclusion of the agricultural commodities is in the national interest;

''(ii) the President submits the report required under subsection (d); and

''(iii) Congress has not approved a joint resolution stating the disapproval of Congress of the report submitted under subsection (d).

''(4) EFFECT ON AGRICULTURAL TRADE.—Nothing in this subsection requires the imposition of a unilateral agricultural sanction with respect to an agricultural commodity, whether exported in connection with a commercial sale or a program described in paragraph (2).

''(c) CURRENT SANCTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the exemption under subsection (b)(1) shall apply to a current sanction.

''(2) PRESIDENTIAL REVIEW.—Not later than 90 days after the date of enactment of the Agricultural Trade Freedom Act, the President shall review each current sanction to determine whether the exemption under subsection (b)(1) should apply to the current sanction.

''(3) APPLICATION.—The exemption under subsection (b)(1) shall apply to a current sanction beginning on the date that is 180 days after the date of enactment of the Agricultural Trade Freedom Act unless the President determines that the exemption should not apply to the current sanction for reasons of the national interest.

''(d) REPORT.—

''(1) IN GENERAL.—If the President determines under subsection (b)(3)(B)(i) or (c)(3) that the exemption should not apply to a unilateral agricultural sanction, the President shall submit a report to Congress not later than 15 days after the date of the determination.

''(2) CONTENTS OF REPORT.—The report shall contain—

''(A) an explanation of—

''(i) the economic activity that is proposed to be prohibited, restricted, or conditioned by the unilateral agricultural sanction; and

''(ii) the national interest for which the exemption should not apply to the unilateral agricultural sanction; and

''(B) an assessment by the Secretary—

''(i) regarding export sales—

''(I) in the case of a current sanction, whether markets in the sanctioned country or countries present a substantial trade opportunity for export sales of a United States agricultural commodity; or

''(II) in the case of a new sanction, the extent to which any country or countries to be sanctioned or likely to be sanctioned are markets that accounted for, during the preceding calendar year, more than 3 percent of export sales of a United States agricultural commodity;

''(ii) regarding the effect on United States agricultural commodities—

''(I) in the case of a current sanction, the potential for export sales of United States agricultural commodities in the sanctioned country or countries; and

''(II) in the case of a new sanction, the likelihood that exports of United States agricultural commodities will be affected by the new sanction or by retaliation by any country to be sanctioned or likely to be sanctioned, including a description of specific United States agricultural commodities that are most likely to be affected;

''(iii) regarding the income of agricultural producers—

''(I) in the case of a current sanction, the potential for increasing the income of producers of the United States agricultural commodities involved; and

''(II) in the case of a new sanction, the likely effect on incomes of producers of the agricultural commodities involved;

''(iv) regarding displacement of United States suppliers—

''(I) in the case of a current sanction, the potential for increased competition for United States suppliers of the agricultural commodity in countries that are not subject to the current sanction because of uncertainty about the reliability of the United States suppliers; and

''(II) in the case of a new sanction, the extent to which the new sanction would permit foreign suppliers to replace United States suppliers; and

''(v) regarding the reputation of United States agricultural producers as reliable suppliers—

''(I) in the case of a current sanction, whether removing the sanction would improve the reputation of United States producers as reliable suppliers of agricultural commodities in general, and of specific agricultural commodities identified by the Secretary; and

''(II) in the case of a new sanction, the likely effect of the proposed sanction on the reputation of United States producers as reliable suppliers of agricultural commodities in general, and of specific agricultural commodities identified by the Secretary.

''(e) CONGRESSIONAL PRIORITY PROCEDURES.—

''(1) JOINT RESOLUTION.—In this subsection, the term 'joint resolution' means only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under subsection (d) is received by Congress, the matter after the resolving clause of which is as follows: 'That Congress disapproves the report of the President pursuant to section 418(d) of the Agricultural Trade Act of 1978, transmitted on _____.', with the blank completed with the appropriate date.

''(2) REFERRAL OF REPORT.—The report described in subsection (d) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

''(3) REFERRAL OF JOINT RESOLUTION.—

''(A) IN GENERAL.—A joint resolution shall be referred to the committees in each House of Congress with jurisdiction.

''(B) REPORTING DATE.—A joint resolution referred to in subparagraph (A) may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

''(4) DISCHARGE OF COMMITTEE.—If the committee to which is referred a joint resolution has not reported the joint resolution (or an identical joint resolution) at the end of 30 session days of Congress after the date of introduction of the joint resolution—

''(A) the committee shall be discharged from further consideration of the joint resolution; and

''(B) the joint resolution shall be placed on the appropriate calendar of the House concerned.

''(5) FLOOR CONSIDERATION.—

''(A) MOTION TO PROCEED.—

''(i) IN GENERAL.—When the committee to which a joint resolution is referred has reported, or when a committee is discharged under paragraph (4) from further consideration of, a joint resolution—

''(I) it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any member of the House concerned to move to proceed to the consideration of the joint resolution; and

''(II) all points of order against the joint resolution (and against consideration of the joint resolution) are waived.

''(ii) PRIVILEGE.—The motion to proceed to the consideration of the joint resolution—

''(I) shall be highly privileged in the House of Representatives and privileged in the Senate; and

''(II) shall not be debatable.

''(iii) AMENDMENTS AND MOTIONS NOT IN ORDER.—The motion to proceed to the consideration of the joint resolution shall not be subject to—

''(I) amendment;

''(II) a motion to postpone; or

''(III) a motion to proceed to the consideration of other business.

''(iv) MOTION TO RECONSIDER NOT IN ORDER.—A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

''(v) BUSINESS UNTIL DISPOSITION.—If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the House concerned until disposed of.

''(B) LIMITATIONS ON DEBATE.—

''(i) IN GENERAL.—Debate on the joint resolution, and on all debatable motions and appeals in connection with the joint resolution, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution.

''(ii) FURTHER DEBATE LIMITATIONS.—A motion to limit debate shall be in order and shall not be debatable.

''(iii) AMENDMENTS AND MOTIONS NOT IN ORDER.—An amendment to, a motion to postpone, a motion to proceed to the consideration of other business, a motion to recommit the joint resolution, or a motion to reconsider the vote by which the joint resolution is agreed to or disagreed to shall not be in order.

''(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the House concerned, the vote on final passage of the joint resolution shall occur.

''(D) RULINGS OF THE CHAIR ON PROCEDURE.—An appeal from a decision of the Chair relating to the application of the rules of the Senate or House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

''(6) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by 1 House of a joint resolution of that House, that House receives from the other House a joint resolution, the following procedures shall apply:

''(A) NO COMMITTEE REFERRAL.—The joint resolution of the other House shall not be referred to a committee.

''(B) FLOOR PROCEDURE.—With respect to a joint resolution of the House receiving the joint resolution—

''(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(ii) the vote on final passage shall be on the joint resolution of the other House.

''(C) DISPOSITION OF JOINT RESOLUTIONS OF RECEIVING HOUSE.—On disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

''(7) PROCEDURES AFTER ACTION BY BOTH THE HOUSE AND SENATE.—If a House receives a joint resolution from the other House after the receiving House has disposed of a joint resolution originated in that House, the action of the receiving House with regard to the disposition of the joint resolution originated in that House shall be deemed to be

the action of the receiving House with regard to the joint resolution originated in the other House.

''(8) RULEMAKING POWER.—This subsection is enacted by Congress—

''(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such this subsection—

''(i) is deemed to be a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution; and

''(ii) supersedes other rules only to the extent that this subsection is inconsistent with those rules; and

''(B) with full recognition of the constitutional right of either House to change the rules (so far as the rules relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.''.

SEC. 404. SALE OR BARTER OF FOOD ASSISTANCE.

It is the sense of Congress that the amendments to section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) made by section 208 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 954) were intended to allow the sale or barter of United States agricultural commodities in connection with United States food assistance only within the recipient country or countries adjacent to the recipient country, unless—

(1) the sale or barter within the recipient country or adjacent countries is not practicable; and

(2) the sale or barter within countries other than the recipient country or adjacent countries will not disrupt commercial markets for the agricultural commodity involved.

By Mr. MCCONNELL (for himself, Mr. GRAHAM, Mr. BUNNING, Mr. DEWINE, Mr. WARNER, and Mr. LUGAR):

S. 335. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, today I am once again honored to introduce a bill which focuses on an important issue facing American families today—paying for the education of their children. I have long believed that we need to make college education more affordable, and my legislation, the Setting Aside for a Valuable Education, or SAVE, Act, will do that by making savings in qualified tuition savings plans entirely tax-free. I am pleased to be joined in this endeavor by the bill's original co-sponsors, Senators GRAHAM, BUNNING, DEWINE, WARNER, and LUGAR.

I have worked for the past six years to make saving for college easier for American families by providing ways to help them keep pace with the rising cost of a college education through tax incentives. In 1994, I introduced the first bill to make education savings in state tuition plans exempt from taxation. Since that time, Congress has made significant progress toward achieving this important goal.

In 1996, I was able to include a provision in the Small Business Job Protection Act that clarified the tax treatment of state-sponsored savings plans and the participants' investment. This measure established that account earnings on the savings plans are to be included in gross income when distributions to attend school are made. This was an important change because it removed the tax uncertainty that was hindering the plans' effectiveness and helped families who are trying to save for their children's future education needs. Before this clarification, it appeared that account earnings may be taxed annually, which would have deterred saving for education expenses. Also, my language shifted the tax burden upon distribution of the funds from the parent to the student, who is generally taxed at a lower rate.

The following year, the Taxpayer Relief Act of 1997 included several important legislative initiatives that maximized flexibility to families with investments in long-term education savings plans. Through this vehicle, I was pleased to be able to expand the definition of ''eligible education expenses'' to include room and board costs so that these expenses—often as much as one-half the entire cost of college—also received the deferred tax treatment. Secondly, I was able to include a provision which expanded the definition of ''eligible institutions'' to include all schools, including certain proprietary schools, which are eligible under the Department of Education's student aid program. Finally, I was pleased that the Taxpayer Relief Act included a more detailed definition of the term ''member of family'' to allow tax-free transfers of credits or account balances in a qualified tuition program to additional family members in the event that the named beneficiary does not attend college.

However, while I am proud of these initial success stories, I will continue to press to make education savings entirely tax free. While the end is in sight, we cannot claim victory until we achieve this goal. In fact, the need for education savings tax relief is more acute then ever as recent studies demonstrate that we must continue to encourage parents to adopt a long-term savings approach for their children's future education.

According to the College Board, during the 2000–2001 academic school year, the average tuition at four-year public colleges rose between 4.4 and 5.2 percent. It is important to note that this increase was higher than the 1999 tuition increase of 3.4 percent. In addition, the College Board estimates that room and board charges will increase between 4 and 5 percent for next year. What is most frustrating is that despite the recent economic boom, the cost of a college education continues to rise at a rate faster than many families can afford. According to the College Board, since 1980 the price of a college education has been rising between two and three times the Consumer Price Index. In fact, tuition and fees for a four year college education has risen 115 percent over inflation since the 1980–81 school year, while median household income has risen only 20 percent. Over the past decade, tuition has increased between 32 and 49 percent, while family income over the same period has increased just 4 percent.

As a result, more and more families are forced to rely on financial aid to meet tuition costs. In fact, a majority of all college students utilize some amount of financial assistance. The amount of financial aid available to students and their families for the 1999–2000 school year topped $68 billion, more than 4% above than the previous year. However, there has been a marked trend from grant-based assistance programs to loan-based assistance programs, and today many students are forced to borrow in order to attend college. This shift toward loans increases the financial burden of attending college because students and families must then assume interest costs that can add thousands to the total cost of tuition.

We must not forget that compounded interest cuts both ways. For those students who must borrow, compounded interest is a burden, for those students and families who save, it is a blessing. By saving, participants can keep pace, or even ahead of, tuition increases. By borrowing, students bear additional interest costs that add thousands to the total cost of tuition. Savings have a positive impact by reducing the need for students to borrow tens of thousands of dollars in student loans. This will help make need-based grants, which target low-income families, better meet the demands of those who are in most need.

Mr. President, the need for rewarding long-term saving for college is clear. My legislation will recognize and award savings while allowing students and families that are participating in these state-sponsored plans to be exempt from federal income tax when the funds are used for qualified educational purposes. This bill will finish what I started in 1994.

Mr. President, as a result of our actions over the last several years, a majority of the states have implemented tuition savings plans for their residents. In the mid-1980s, states first began to recognize the difficulty that families faced in keeping pace with the rising cost of education. States like Kentucky, Florida, Ohio, and Michigan were among the first to start programs aimed at helping families save for their

children's college education. Other states have since followed suit, and currently 48 states have some form of tuition savings plans.

Today, there are nearly one million savers who have contributed over $2 billion in education savings. In the Commonwealth of Kentucky alone, 3,250 beneficiaries have active accounts and have accumulated $13 million in savings. With average monthly contributions as low as $110, and nearly 60% of the participating families earning a household income of under $60,000 annually, state-sponsored tuition plans clearly benefit middle-class families—the exact Americans who deserve and need such relief.

In addition to accomplishing my long-sought goal of making savings in tuition savings plans entirely tax-free, the SAVE Act, includes several other new provisions. It allows private institutions to establish their own qualified prepaid tuition programs, and at the same time includes important consumer protections to ensure that these new plans operate in a fiscally responsible manner. The SAVE Act also modifies the cap on room and board expenses to more accurately reflect the cost of attending an institution of higher learning. The final important change made in the SAVE Act is a provision allowing for one annual rollover between Section 529 plans to meet the needs of our increasingly mobile society.

I have worked closely with state plan administrators over the years seeking both their advice and support. When I introduce the SAVE Act this afternoon, I will be honored once again to have the endorsement of the National Association of State Treasurers and the College Savings Plans Network (CSPN). I ask unanimous consent that CSPN's letter of support be included in the record. They have worked tirelessly in support of this legislation because they know it is in the best interests of plan participants—families who care about their children's education. In addition, state-sponsored tuition savings plans have recently been touted as one of the best ways to save for a college education by such influential magazines as Money, Fortune, and Business Week.

This overwhelming support for these programs underscores my belief that we have a real opportunity to go even further toward making college affordable for American families. It is in our national interest to maintain a quality and affordable education system for all families—not merely those fortunate to have the resources. My legislation rewards parents who are serious about their children's future and who are committed over the long-term to the education of their children by providing a significant tax break for all savers nationwide. This will reduce the cost of education and will not unnecessarily burden future generations with thousands of dollars in loans.

College is a lifelong investment. We must take steps to ensure that higher education is within the reach of every child so that they are prepared to meet the challenges they will face in our increasingly competitive world. We must make it easier for families to save for college, and we can do so this year by providing total tax freedom for education savings. My bill will make these tuition savings plans entirely tax-free when the money is drawn out to pay for college, and I believe that my legislation is the best approach to ensuring that our children can obtain a higher education without mortgaging their futures.

Mr. President, I appreciate the opportunity to speak to the Senate on this legislation and I look forward to working with the bill's co-sponsors and the Bush Administration to enact it into law.

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

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

S. 335

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 ''Setting Aside for a Valuable Education (SAVE) Act''.

SEC. 2. EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED STATE TUITION PROGRAMS.

(a) IN GENERAL.—Subparagraph (B) of section 529(c)(3) of the Internal Revenue Code of 1986 (relating to distributions) is amended to read as follows:

''(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of this paragraph—

''(i) IN-KIND DISTRIBUTIONS.—No amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense.

''(ii) CASH DISTRIBUTIONS.—In the case of distributions not described in clause (i), if—

''(I) such distributions do not exceed the qualified higher education expenses (reduced by expenses described in clause (i)), no amount shall be includible in gross income, and

''(II) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

''(iii) EXCEPTION FOR INSTITUTIONAL PROGRAMS.—In the case of any taxable year beginning before January 1, 2004, clauses (i) and (ii) shall not apply with respect to any distribution during such taxable year under a qualified State tuition program established and maintained by 1 or more eligible educational institutions.

''(iv) TREATMENT AS DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified State tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

''(v) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

''(I) as provided in section 25A(g)(2), and

''(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

''(vi) COORDINATION WITH EDUCATION SAVINGS ACCOUNTS.—If, with respect to an individual for any taxable year—

''(I) the aggregate distributions to which clauses (i) and (ii) and section 530(d)(2)(A) apply, exceed

''(II) the total amount of qualified higher education expenses otherwise taken into account under clauses (i) and (ii) (after the application of clause (iv)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clauses (i) and (ii) and section 530(d)(2)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 135(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''section 530(d)(2)'' and inserting ''sections 529(c)(3)(B)(i) and 530(d)(2)''.

(2) Section 221(e)(2)(A) of such Code is amended by inserting ''529,'' after ''135,''.

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

SEC. 3. ELIGIBLE EDUCATIONAL INSTITUTIONS PERMITTED TO MAINTAIN QUALIFIED TUITION PROGRAMS.

(a) IN GENERAL.—Section 529(b)(1) of the Internal Revenue Code of 1986 (defining qualified State tuition program) is amended by inserting ''or by 1 or more eligible educational institutions'' after ''maintained by a State or agency or instrumentality thereof''.

(b) PRIVATE QUALIFIED TUITION PROGRAMS LIMITED TO BENEFIT PLANS.—Clause (ii) of section 529(b)(1)(A) of the Internal Revenue Code of 1986 is amended by inserting ''in the case of a program established and maintained by a State or agency or instrumentality thereof,'' before ''may make''.

(c) ADDITIONAL REQUIREMENTS FOR CERTAIN PRIVATE QUALIFIED TUITION PROGRAMS.—Section 529(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) ADDITIONAL REQUIREMENTS FOR CERTAIN PRIVATE QUALIFIED TUITION PROGRAMS.—A program established and maintained by 1 or more eligible educational institutions and described in paragraph (1)(A)(ii) shall not be treated as a qualified tuition program unless—

''(A) under such program a trust is created or organized for the sole purpose of paying the qualified higher education expenses of the designated beneficiary of the account,

''(B) the written governing instrument creating the trust of which the account is a part provides safeguards to ensure that contributions made on behalf of a designated beneficiary remain available to provide for the qualified higher education expenses of the designated beneficiary, and

''(C) the trust meets the following requirements:

''(i) Any trustee or person who may under contract operate or manage the trust demonstrates to the satisfaction of the Secretary that the manner in which that trustee or person will administer the trust will be consistent with the requirements of this section.

''(ii) The assets of the trust are not commingled with other property except in a

common trust fund or common investment fund.

''(iii) The trust annually prepares and makes available the reports and accountings required by this section. The annual report, at a minimum, includes information on the financial condition of the trust and the investment policy of the trust.

''(iv) Before entering into contracts or otherwise accepting contributions on behalf of a designated beneficiary, the trust obtains an appropriate actuarial report to establish, maintain, and certify that the trust shall have sufficient assets to defray the obligations of the trust and annually makes the actuarial report available to account contributors and designated beneficiaries.

''(v) The trust secures a favorable ruling or opinion issued by the Internal Revenue Service that the trust is in compliance with the requirements of this section.

''(vi) Before entering into contracts or otherwise accepting contributions on behalf of a designated beneficiary, the trust solicits answers to appropriate ruling requests from the Securities and Exchange Commission regarding the application of Federal securities laws to the trust.''.

(d) APPLICATION OF FEDERAL SECURITIES LAWS TO PRIVATE QUALIFIED TUITION PROGRAMS.—Section 529(e) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(6) APPLICATION OF FEDERAL SECURITIES LAWS TO PRIVATE QUALIFIED TUITION PROGRAMS.—Nothing in this section shall be construed to exempt any qualified tuition program that is not established and maintained by a State or agency or instrumentality thereof from any of the requirements of the Securities Act of 1933 (15 U.S.C. 77a et seq.) or the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.).''.

(e) CONFORMING AMENDMENTS.—

(1) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) of the Internal Revenue Code of 1986 are each amended by striking ''qualified State tuition'' each place it appears and inserting ''qualified tuition''.

(2) The headings for sections 72(e)(9) and 135(c)(2)(C) of such Code are each amended by striking ''QUALIFIED STATE TUITION'' and inserting ''QUALIFIED TUITION''.

(3) The headings for sections 529(b) and 530(b)(2)(B) of such Code are each amended by striking ''QUALIFIED STATE TUITION'' and inserting ''QUALIFIED TUITION''.

(4) The heading for section 529 of such Code is amended by striking ''state''.

(5) The item relating to section 529 of such Code in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking ''State''.

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

SEC. 4. OTHER MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) ROLLOVER TO DIFFERENT PROGRAM FOR BENEFIT OF SAME DESIGNATED BENEFICIARY.—Section 529(c)(3)(C) of the Internal Revenue Code of 1986 (relating to change in beneficiaries) is amended—

(1) by striking ''transferred to the credit'' in clause (i) and inserting ''transferred—

''(I) to another qualified tuition program for the benefit of the designated beneficiary, or

''(II) to the credit'',

(2) by adding at the end the following new clause:

''(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall only apply to 1 transfer with respect to a designated beneficiary in any year.'', and

(3) by inserting ''OR PROGRAMS'' after ''BENEFICIARIES'' in the heading.

(b) MEMBER OF FAMILY INCLUDES FIRST COUSIN.—Section 529(e)(2) of the Internal Revenue Code of 1986 (defining member of family) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting ''; and'', and by adding at the end the following new subparagraph:

''(D) any first cousin of such beneficiary.''.

(c) ADJUSTMENT OF LIMITATION ON ROOM AND BOARD DISTRIBUTIONS.—Section 529(e)(3)(B)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

''(ii) LIMITATION.—The amount treated as qualified higher education expenses by reason of clause (i) shall not exceed the greater of—

''(I) the amount (applicable to the student) included for room and board for such period in the cost of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll), as in effect on the date of the enactment of the Setting Aside for a Valuable Education (SAVE) Act) for the eligible educational institution for such period, or

''(II) the actual invoice amount the student residing in housing owned or operated by the eligible educational institution is charged by such institution for room and board costs for such period.''.

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

COLLEGE SAVINGS PLANS NETWORK,
Lexington, KY, February 13, 2001.

Re College Savings Plans Network's Support of the SAVE Act

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: Thank you for your continued support of legislation to encourage college savings through state-sponsored college savings programs. Your leadership in helping families plan for their children's college education is truly commendable; your foresight and knowledge have enhanced the ability of all families to save. Section 529 programs now represent over 1.4 million families who have invested more than $8 billion for their children's future higher education. The College Savings Plans Network represents all 50 states that are currently operating or developing §529 college savings programs.

In our continuing efforts to make a college education more accessible and affordable for American families, we are very appreciative of your sponsorship of the ''Setting Aside for a Valuable Education (SAVE) Act,'' which would provide an exclusion from gross income for earnings on §529 accounts, as well as several technical amendments that would make these college savings programs more user-friendly.

The college Savings Plans Network strongly supports an exclusion from gross income for earnings on §529 accounts. This tax treatment would be less burdensome to administer than current tax provisions, and would result in better compliance and less cost to college savings programs and their participants. More importantly, an exclusion from gross income would provide a powerful additional incentive for families to save early for college expenses. Section 529 of the Internal Revenue Code already contains restrictions and penalties to prevent any potential abuse of these programs.

Please do not hesitate to contact me should you need any additional information or have any questions. Thank you again for your continued interest in and support of §529 programs and the hundreds of thousands of children for whom college is now an affordable reality.

Sincerely,

GEORGE THOMAS,
Chair, College Savings Plans Network and New Hampshire State Treasurer.

Mr. GRAHAM. Mr. President, I am proud to join Senator MCCONNELL and my other Senate colleagues in launching an initiative to increase Americans' access to college education. Today, we are introducing the Setting Aside for a Valuable Education Act. This bill extends tax-free treatment to all state sponsored prepaid tuition plans and state savings plans. This legislation also gives prepaid tuition plans established by private colleges and universities tax-exempt status.

Prepaid college tuition and savings programs have flourished at the state level in the face of spiraling college costs. According to the College Board, between 1980 and 2000, the cost of going to a four-year college has increased 115 percent above the rate of inflation. The cause of this dramatic increase in tuition is the subject of significant debate. But whether these increases are attributable to increased costs to the universities, reductions in state funding for public universities, or the increased value of a college degree, the fact remains that financing a college education has become increasingly difficult.

In response to higher college costs the states have engineered innovative ways to help its families afford college. Michigan implemented the first prepaid tuition plan in 1986. Florida followed in 1988. Today 49 states have either implemented or are in the process of implementing prepaid tuition plans or state education savings plans.

Prepaid college tuition plans allow parents to pay prospectively for their children's higher education at participating universities. States pool these funds and invest them in a manner that will match or exceed the pace of educational inflation. This ''locks in'' current tuition and guarantees financial access to a future college education. In 1996, Congress acted to ensure that the tax on the earnings in these state-sponsored programs is tax-deferred.

Senator MCCONNELL and I believe the 107th Congress must move to make these programs completely tax free. Students should be able to enroll in college without the fear of incurring a significant tax liability just because they went to school. The legislation extends this same tax treatment to private college prepaid programs.

We believe that these programs should be tax free for numerous reasons. First, prepaid tuition and savings programs help middle income families

afford a college education. Florida's experience shows that it is not higher income families who take most advantage of these plans. It is middle income families who want the discipline of monthly payments. They know that they would have a difficult time coming up with funds necessary to pay for college if they waited until their child enrolled. In Florida, more than 70 percent of participants in the state tuition program have family income of less than $50,000. Second, Congress should make these programs tax free in order to encourage savings and college attendance. Finally, for most families, these plans simply represent the purchase of a service to be provided in the future. The accounts are not liquid, and the funds are transferred from the state directly to the college or university. The imposition of a tax liability on earnings represents a substantial burden, because the student is required to find other means of generating the funds to pay the tax.

I am pleased to have this opportunity to join my colleagues in introducing this bill which makes a college education easier to obtain.

By Mr. BOND:

S. 336. A bill to amend the Internal Revenue Code of 1986 to allow use of cash accounting method for certain small businesses; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce a bill that addresses an issue of growing concern to small businesses across the nation—tax accounting methods. I am pleased to be working with our colleague in the other body, Congressman WALLY HERGER, who is introducing the companion to this legislation.

While this topic may lack the notoriety of some other tax issues currently in the spotlight like tax-rate reductions, estate-tax repeal, or elimination of the alternative minimum tax, it goes to the heart of a business' daily operations—reflecting its income and expenses. And because it is such a fundamental issue, one may ask: ''What's the big deal? Hasn't this been settled long ago?'' Regrettably, efforts by the Treasury Department and Internal Revenue Service (IRS) over the past couple of years have muddied what many small business owners have long seen as a settled issue.

To many small business owners, tax accounting simply means that they record gross receipts when they receive cash and expenses when they write a check for the various costs associated with operating a business. The difference is income, which is subject to taxes. In its simplest form, this is known as the ''cash receipts and disbursements'' method of accounting—or the ''cash method'' for short. It is easy to understand, it is simple to undertake in daily business operations, and for the vast majority of small enterprises, it matches their income with the related expenses in a given year. Coincidentally, it's also the method of accounting used by the Federal government to keep track of the nearly $2 trillion in tax revenues it collects each year as well as all of its expenditures for salaries and expenses, procurement, and the cost of various government programs.

Unfortunately, what's good for the Federal government apparently is not good enough for small businesses. In recent years, the IRS has taken a different view with respect to small businesses on the cash method. In too many cases, the IRS has asserted that a small business should report its income when all events have occurred to establish the business' right to receipt and the amount can reasonably be determined. Similar principles are applied to determine when a business may recognize an expense. This method of accounting is known as ''accrual accounting.'' The reality of accrual accounting for a small business is that it may be deemed to have income well before the cash is actually received and an expense long after the cash is actually paid. As a result, accrual accounting can create taxable income for a small business that has yet to receive the cash necessary to pay the taxes.

While the IRS argues that the accrual method of accounting produces a more accurate reflection of ''economic income,'' it also produces a major headache for small enterprise. Few entrepreneurs have the time or experience to undertake accrual accounting, which forces them to hire costly accountants and tax preparers. By some estimates, accounting fees can increase as much as 50 percent when accrual accounting is required, excluding the cost of high-tech computerized accounting systems that some businesses must install. For the brave few that try to handle the accounting on their own, the accrual method often leads to major mistakes, resulting in tax audits and additional costs for professional help to sort the whole mess out—not to mention the interest and penalties that the IRS may impose as a result of the mistake.

To make matters even worse, the IRS focused on small service providers who use some merchandise in the performance of their service. In an e-mail sent to practitioners in my State of Missouri and in Kansas on March 22, 1999, the IRS'' local district office took special aim at the construction industry asserting that ''[t]axpayers in the construction industry who are on the cash method of accounting may be using an improper method. The cash method is permissible only if materials are not an income producing factor.'' For those lucky service providers, the IRS has asserted that the use of merchandise requires the business to undertake an additional and even more onerous form of bookkeeping—inventory accounting.

Let's be clear about the kind of taxpayer at issue here. It's the home builder who by necessity must purchase wood, nails, dry wall, and host of other items to provide the service of constructing a house. Similarly, it's a painting contractor who will often purchase the paint when he renders the service of painting the interior of a house. These service providers generally purchase materials to undertake a specific project and at its end, little or no merchandise remains. They may even arrange for the products to be delivered directly to their client.

Mr. President, if we thought that accrual accounting is complicated and burdensome, imaging having to keep track of all the boards, nails, and paint used in the home builder's and painter's jobs each year. And it doesn't always stop at inventory accounting for these service providers. Instead, the IRS has used it as the first step to imposing overall accrual accounting—a one-two punch for the small service provider when it comes to compliance burdens.

Even more troubling is the cost of an audit for these unsuspecting service providers who have never known they were required to use inventories or accrual accounting. According to a survey of practitioners by the Padgett Business Services Foundation, audits of businesses on the issue of merchandise used in the performance of services resulted in tax deficiencies from $2,000 to $14,000, with an average of $7,200. That's a steep price to pay for an accounting method error that the IRS for years has never enforced.

The bill I'm introducing today—the Cash Accounting for Small Business Act of 2001—addresses both of these issues and builds on the legislation that I introduced in the 106th Congress. First, the bill establishes a clear threshold for when small businesses may use the cash method of accounting. Simply put, if a business has an average of $5 million in annual gross receipts or less during the preceding three years, it may use the cash method. Plain and simple—no complicated formula; no guessing if you made the right assumptions and arrived at the right answer. If the business exceeds the threshold, it may still seek to establish, as under current law, that the cash method clearly reflects its income.

Some may argue that this provision is unnecessary because section 448(b) and (c) of the Internal Revenue Code already provide a $5 million gross receipts test with respect to accrual accounting. That's a reasonable position since many in Congress back in 1986 intended section 448 to provide relief for small business taxpayers using the cash method. Unfortunately, the IRS has twisted this section to support its

quest to force as many small businesses as possible into costly accrual accounting. The IRS has construed section 448 to be merely a $5 million ceiling above which a business can never use the cash method. My bill corrects this misinterpretation once and for all—if a business has average gross receipts of $5 million or less, it is free to use cash accounting.

Additionally, the bill indexes the $5 million threshold for inflation so it will keep pace with price increases. As a result, small businesses will not be forced into the accrual method merely because their gross receipts increased due to inflation.

Second, for small service providers, the Cash Accounting for Small Business Act exempts these taxpayers from inventory accounting if they meet the general $5 million threshold. These businesses will be able to deduct the expenses for such inventory that are actually consumed and used in the operation of the business during that particular taxable year. While the small service provider will still have to keep some minimal records as to the merchandise used during the year, it will be vastly more simple than having to comply with the onerous inventory accounting rules currently in place in the tax code.

The $5 million threshold set forth in my bill is a common-sense solution to an increasing burden for small businesses in this country, which was recently highlighted by the IRS National Taxpayer Advocate. In his 2001 Report to Congress, the Advocate noted that ''Small business taxpayers may be burdened by having to maintain an accrual method of accounting for no other purpose than tax reporting. Because these taxpayers can be relatively unsophisticated about tax and inventory accounting issues, they are likely to hire advisors to help them comply with their tax obligations.'' Unfortunately, these higher costs of recordkeeping and tax preparation take valuable capital away from the business and hinder its ability to grow and produce jobs. The Cash Accounting for Small Business Act takes a big step toward easing those burdens and allowing small business owners to dedicate their time and money to running successful enterprises—instead of filling out government paperwork.

In addition, it sends a clear signal to the IRS: stop wasting scarce resources forcing small businesses to adopt complex and costly accounting methods when the benefit to the Treasury is simply a matter of timing. Whether a small business uses the cash or accrual method or inventory accounting or not, in the end, the government will still collect the same amount of taxes—maybe not all this year, but very likely early in the next year. What small business can go very long without collecting what it is owed or paying its bills?

Last year, the Treasury Department's answer was to propose a $1 million threshold under which a small business could escape accrual accounting and presumably inventories. While it is a step in the right direction, it simply doesn't go far enough. Even ignoring inflation, if a million dollar threshold were sufficient, why would Congress have tried to enact a $5 million threshold 14 years ago? My bill completes the job that the Clinton Treasury Department was unable or unwilling to do.

More recently, the IRS issued a notice announcing that the agency has temporarily changed its litigation position concerning the requirement that certain taxpayers must use inventory and accrual accounting. Based on losses in several court cases, the IRS has decided to back off on taxpayers in construction businesses similar to those addressed by the courts. For those taxpayers, the agency has turned down the fire, and I applaud the IRS for its decision. The new litigation position, however, does not solve the underlying statutory issues that led the IRS to pursue these taxpayers in the first place, nor is it any assurance that the litigation position will not be changed again once the IRS'' Chief Counsel has completed its study of these issues. The Cash Accounting for Small Businesses resolves this matter once and for all small businesses giving them clear rules and certainty as they struggle to keep their businesses running.

The legislation I introduce today is the companion to the bill that Congressman HERGER is introducing in the other body. Together with Congressman HERGER and the small business community, I expect to continue the momentum that we started last year and achieve some much needed relief from unnecessary compliance burdens and costs for America's small businesses.

The call for tax simplification has been growing increasingly loud in recent years, and this bill provides an excellent opportunity for us to advance the ball well down the field. This is not a partisan issue; it's a small business issue. And I urge my colleagues on both sides of the aisle to join me in this common-sense legislation for the benefit of America's small enterprises, which contribute so greatly to this country's economic engine.

Mr. President, I ask unanimous consent to have printed in the RECORD, the text of the bill and a description of its provisions.

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

S. 336

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 ''Cash Accounting for Small Business Act of 2001''.

SEC. 2. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—Section 446 of the Internal Revenue Code of 1986 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

''(g) SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, an eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

''(2) ELIGIBLE TAXPAYER.—For purposes of this subsection—

''(A) IN GENERAL.—A taxpayer is an eligible taxpayer with respect to any taxable year if—

''(i) for all prior taxable years beginning after December 31, 1999, the taxpayer (or any predecessor) met the gross receipts test of subparagraph (B), and

''(ii) the taxpayer is not a tax shelter (as defined in section 448(d)(3)).

''(B) GROSS RECEIPTS TEST.—A taxpayer meets the gross receipts test of this subparagraph for any prior taxable year if the average annual gross receipts of the taxpayer (or any predecessor) for the 3-taxable-year period ending with such prior taxable year does not exceed $5,000,000. The rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, the dollar amount contained in subparagraph (B) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ''calendar year 2000'' for ''calendar year 1992'' in subparagraph (B) thereof.

If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—Section 471 of the Internal Revenue Code of 1986 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

''(1) IN GENERAL.—An eligible taxpayer shall not be required to use inventories under this section for a taxable year.

''(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If an eligible taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2000, such property shall be treated as a material or supply which is not incidental.

''(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' has the meaning given such term by section 446(g)(2).''.

(c) INDEXING OF GROSS RECEIPTS TEST.—Section 448(c) of the Internal Revenue Code of 1986 (relating to $5,000,000 gross receipts test) is amended by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar

year in which the taxable year begins, by substituting ''calendar year 2000'' for ''calendar year 1992'' in subparagraph (B) thereof.

If any amount as adjusted under this paragraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

(d) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

CASH ACCOUNTING FOR SMALL BUSINESS ACT OF 2001—DESCRIPTION OF PROVISIONS

The bill amends section 446 of the Internal Revenue Code to provide a clear threshold for small businesses to use the cash receipts and disbursements method of accounting, instead of accrual accounting. To qualify, the business must have $5 million or less in average annual gross receipts based on the preceding three years. Thus, even if the production, purchase, or sale of merchandise is an income-producing factor in the taxpayer's business, the taxpayer will not be required to use an accrual method of accounting if the taxpayer meets the average annual gross receipts test.

In addition, the bill provides that a taxpayer meeting the average annual gross receipts test is not required to account for inventories under section 471. The taxpayer will be required to treat such inventory in the same manner as materials or supplies that are not incidental. Accordingly, the taxpayer may deduct the expenses for such inventory that are actually consumed and used in the operation of the business during that particular taxable year.

The bill indexes the $5 million average annual gross receipts threshold for inflation. The cash-accounting safe harbor will be effective for taxable years beginning after December 31, 2000.

By Mr. DOMENICI:

S. 337. A bill to amend the Elementary and Secondary Education Act of 1965 to assist State and local educational agencies in establishing teacher recruitment centers, teacher internship programs, and mobile professional development teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today with great pleasure to introduce the Teacher Recruitment, Development, and Retention Act of 2001.

I want to begin with a quotation I recently came across that captures the essence of teaching:

The mediocre teacher tells. The good teacher explains. the superior teacher demonstrates. The great teacher inspires.

The point is simple, for our children to succeed we must ensure they are taught by well-educated, competent, and qualified teachers.

I say this because it is a simple fact that in the future the individuals who will succeed will be those who can read, write, and do math. I firmly believe that a good education will help ensure a ticket to the economic security of the middle class because almost no one doubts the link between education and an individual's prospects.

However, one of the fundamental keys to providing our children with the tools to succeed is the presence of qualified teachers. Nothing can have a more positive impact on a child's learning than a knowledgeable and skillful teacher. Thus, we must ensure there are not only enough teachers, but enough teachers that possess the tools required to make that positive impact on our children.

Teachers must not only be prepared when they are hired, but they must remain armed with the latest technology and teaching tools for the duration of their careers. Just think of the constant training and testing doctors, police officers, and lawyers must endure throughout their careers.

Before I touch upon the Teacher Recruitment, Development, and Retention Act of 2001 in greater detail I would like to make a few brief comments about K–12 education in New Mexico. New Mexico is a very large and rural state with almost 20,000 teachers and nearly 330,000 public school students.

New Mexico's 89 school districts come in all shapes and sizes, for instance, Albuquerque has over 85,000 students and Corona has only 92 students. However, each of these districts, large and small must all have qualified teachers.

The Teacher Recruitment, Development, and Retention Act of 2001 seeks to create several optional programs for states to facilitate teacher recruitment development, and retention through grants awarded by the Secretary of Education.

The first option would be the creation of Teacher Recruitment Centers. These centers would serve as job banks/statewide clearinghouses for the recruitment and placement of K–12 teachers. The centers would also be responsible for creating programs to further teacher recruitment and retention within the state.

The second option would encourage states to implement teacher internships where newly hired teachers would participate in a teacher internship in addition to any state or district student teaching requirement. The internship would last one year and during that time the teacher would be assigned a mentor/senior teacher for guidance and support.

Finally, states would have the option of creating mobile professional development teams. These teams would alleviate the need for teachers and administrators that often have to travel great distances to attend professional development programs by bringing these activities directly to the local district or a centrally located regional site through mobile professional development teams.

I believe the primary beneficiaries of mobile professional development teams would be rural areas and the programs offered would focus on any state or local requirements for licensure of teachers and administrators, including certification and recertification.

Under the Teacher Recruitment, Development, and Retention Act of 2001 each program would be authorized at $50 million for fiscal year 2002 and such sums as may be necessary for each of the four succeeding fiscal years.

In conclusion, I want to again say how pleased I am to introduce the Teacher Recruitment, Development, and Retention Act of 2001 and I look forward to working with my colleagues as we reauthorize the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 337

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 ''Teacher Recruitment, Development, and Retention Act of 2001''.

SEC. 2. TEACHER RECRUITMENT CENTERS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part H;

(2) by redesignating sections 2401 and 2402 as sections 2701 and 2702, respectively; and

(3) by inserting after part D the following:

''PART E—TEACHER RECRUITMENT CENTERS

''SEC. 2401. GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to State educational agencies to establish and operate State teacher recruitment centers.

''(b) USE OF FUNDS.—An agency that receives a grant under subsection (a) shall use the funds made available through the grant to establish and operate a center that—

''(1) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

''(2) establishes and carries out programs to improve teacher recruitment and retention within the State.

''(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year

2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

SEC. 3. TEACHER INTERNSHIPS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), as amended by section 2, is further amended by inserting after part E the following:

''PART F—TEACHER INTERNSHIPS

''SEC. 2501. GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to State educational agencies and local educational agencies to establish teacher internship programs.

''(b) USE OF FUNDS.—An agency that receives a grant under subsection (a) shall use the funds made available through the grant to establish teacher internship programs in which a new teacher employed in the State or district involved—

''(1) is hired on a probationary basis for a 1–year period; and

''(2) is required to participate in an internship during that year, under the supervision of a mentor teacher, in addition to meeting any State or local requirement concerning student teaching.

''(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

SEC. 4. MOBILE PROFESSIONAL DEVELOPMENT TEAMS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), as amended by section 3, is further amended by inserting after part F the following:

''PART G—MOBILE PROFESSIONAL DEVELOPMENT TEAMS

''SEC. 2601. GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to State educational agencies to carry out professional development activities through mobile professional development teams.

''(b) USE OF FUNDS.—An agency that receives a grant under subsection (a) shall use the funds made available through the grant to carry out, directly or by grant or contract with entities approved by the agency, activities that—

''(1) at a minimum, provide professional development with respect to State licensing and certification (including recertification) requirements of teachers and administrators; and

''(2) are provided by mobile professional development teams, in the school district in which the teachers and administrators are employed, or at a centrally located regional site.

''(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to agencies proposing to carry out professional development activities through mobile professional development teams that will primarily operate in rural areas.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

By Mr. ENSIGN (for himself and Mr. REID):

S. 338. A bill to protect amateur athletics and combat illegal sports gambling; to the Committee on the Judiciary.

Mr. REID. Mr. President, today I join my colleague from Nevada, Senator ENSIGN, in introducing bipartisan legislation aimed at curtailing illegal gambling in college sports. The bill we are introducing will have a direct and immediate impact on the growing national problem of illegal gambling in college sports.

Illegal gambling in college sports is a growing phenomenon. It is a problem not only in our college campuses and dorm rooms but is spreading throughout the country. While we have laws on our books prohibiting this activity, they seem to be having little impact.

Last year there were several legislative efforts aimed at addressing this problem. I was fortunate last year to work on a similar bill which had the support of Senators TORRICELLI, BAUCUS, and LINCOLN and former Senators Bryan and Robb. Some suggested enacting a prohibition on all forms of sports wagering—even in States where it is legal and regulated. Such a proposal is an affront to States' rights and more importantly, does not address the real problem—illegal gambling.

Indeed, it is like shutting down the Bank of America in order to eliminate loan sharking. I have a pretty good understanding of the many issues involving gaming. Prior to my service in the Senate I chaired the Nevada Gaming Commission. The Commission was responsible for regulating all forms of Nevada's legal gaming industry. Gaming succeeds in Nevada not despite regulation but because of regulation.

It is an all-cash industry. Absent regulation, it invites mischief and criminal wrongdoing. The National gambling Impact Study Commission estimates that as much as $380 billion is wagered illegally every year. By contrast, all sports wagers in Nevada were less than 1 percent of illegal wagers, with college wagers only one-third of the State total.

While there has been disagreement over the appropriate policy response to illegal gambling on college sports, there is agreement that something must be done. The Ensign-Reid bill we are introducing today takes affirmative steps to immediately address illegal gambling on college sports. It establishes a task force on illegal wagering on collegiate sporting events at the Department of Justice.

The task force is directed to enforce Federal laws prohibiting gambling related to college sports and to report to Congress annually on the number of prosecutions and convictions obtained. It doubles the penalties for illegal sports gambling. Our bill also addresses the growing trend of gambling by minors by directing the National Institute of Justice to conduct a study on this disturbing trend.

It requires the Attorney General to conduct a study of illegal college sports gambling. Our legislation answers a concern raised by the NCAA regarding illegal gambling on college campuses. The National Gambling Impact Study Commission's final report found widespread illegal gambling by student athletes despite NCAA regulations prohibiting such activities. The commission urged the NCAA to do more. The NCAA has failed to take any action so our bill does.

Just as schools now report on incidents of drug and alcohol abuse on their campuses they will now provide similar data on illegal wagering. Schools will be required to coordinate their anti-gambling programs and submit an annual report to the Secretary of Education. In addition to reporting on incidents of illegal gambling activity on their campuses, schools will be required to provide a statement of policy regarding illegal gambling.

Finally, our bill includes a section on personal responsibility. Students receiving athletic-related aid shall be deemed ineligible for such aid if it is determined that that student engaged in illegal gambling activity. While this is a taught measure, if the NCAA is serious about addressing this problem, we would hope they could join us in supporting a real solution. Schools will be required to coordinate their efforts to reduce illegal gambling on campuses.

I believe the problems of illegal gambling on college sporting events is very real. I believe it is growing. No one knows the real extent of this problem. No one knows what is being done to combat this at the Federal level or by our Nation's institutions of higher learning. The NCAA has chosen not to address this problem. To date, their combined strategy of finger pointing, use of red herring and outright denial has left us with little to show in terms of addressing this problem. Our nation's students and schools are being ill-served by this beleaguered association that at times seems more interested in signing billion dollar broadcasting contracts than ensuring the integrity of the sporting events they sanction.

Our bipartisan legislation takes significant and meaningful steps toward cleaning up the state of affairs with collegiate sports. I urge my colleagues join us in committing to address the problem of illegal gambling in college sports.

By Mr. WYDEN (for himself, Mr. FRIST, Mr. SESSIONS, Mr. BREAUX, Ms. LANDRIEU, and Mr. BAYH):

S. 339. A bill to provide for improved educational opportunities in rural

schools and districts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, if you are one of the millions of rural school children who ride buses 2.9 billion miles every year, if you attend school in one of the thousands of rural schools that have no school library or no classroom computers, if one of the buildings at your school is in serious disrepair, or if you are sharing a few 30 year-old textbooks with the other students in your class, then you probably feel like you are going to school in an education sacrifice zone.

Our country spends less than a quarter of our Nation's education dollars to educate approximately half of our nation's students. You don't have to be a math whiz to know that the numbers just don't add up. The students who are short-changed often live in rural areas.

Thousands of rural and small schools across our nation face the daunting mission of educating almost half of America's children. Increasingly, these schools are underfunded, overwhelmed, and overlooked. While half of the nation's students are educated in rural and small public schools, they only receive 23 percent of Federal education dollars; 25 percent of State education dollars; and 19 percent of local education dollars.

We all grew up thinking that the ''three R's'' were Reading, Writing, and Arithmetic. Unfortunately for our rural school children, the ''three R's'' are too often run-down classrooms, insufficient resources, and really overworked teachers.

The bill I am introducing with Senators FRIST and SESSIONS, the Rural Education Development Initiative, REDI, would provide funding to 5,400 rural school districts that serve 6.5 million students—a short-term infusion of funds that will allow rural schools and their students to make substantial strides forward.

Local education agencies would be eligible for REDI funding if they are either ''rural'', school locale code of 6, 7, or 8, and have a school-age population, ages 5–17, with 15 percent or more of the kids are from families with incomes below the poverty line; or ''small''—student population of 800 or less and a student population, ages 5–17, with 15 percent or more of the kids are from families with incomes below the poverty line. In Oregon, among the schools eligible for REDI funding would be Jewell High School in Seaside, Burnt River Elementary in Unity, Gaston High School in Gaston, and Mari-Lynn Elementary School in Lyons, Oregon.

Like the Education Flexibility Act of 1999, Ed-Flex, I authored with Senator FRIST last Congress, REDI is voluntary—states and school districts could choose to participate in the program. Both Ed-Flex and REDI are designed to provide states and districts with flexibility they need so they can target their local priorities.

Rural school districts and schools also find it more difficult to attract and retain qualified teachers, especially in Special Education, Math, and Science. Consequently, teachers in rural schools are almost twice as likely to provide instruction in two or more subjects than their urban counterparts. The History teacher may be teaching Math and Science without any formal training or experience. Rural teachers also tend to be younger, less experienced, and receive less pay than their urban and suburban counterparts. Worse yet, rural school teachers are less likely to have the high quality professional development opportunities that current research strongly suggests all teachers desperately need.

Limited resources also mean fewer course offerings for students in rural and small schools. Consequently, courses are designed for the kids in the middle. So, students at either end of the academic spectrum miss out. Additionally, fewer rural students who dropout ever return to complete high school, and fewer rural higher school graduates go on to college.

On another note, recent research on brain development clearly shows the critical nature of early childhood education, yet rural schools are less likely to offer even kindergarten classes, let alone earlier educational opportunities.

To make matters worse, many of our rural areas are also plagued by persistent poverty, and, as we know, high-poverty schools have a much tougher time preparing their students to reach high standards of performance on state and national assessments. Data from the National Assessment of Educational Progress consistently show large gaps between the achievement of students in high-poverty schools and students in low-poverty schools.

Our legislation will provide rural students with greater learning opportunities by putting more computers in classrooms, expanding distance learning opportunities, providing academic help to students who have fallen behind, and making sure that every class is taught by a highly qualified teacher. I've heard it said that this will be the Education Congress, but we have much to do before we earn that title. It's time to show that when it comes to education, we won't leave anyone behind, and REDI will give children from rural and small communities more of the educational opportunities they deserve.

I ask unanimous consent that my bill be printed in the RECORD.

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

S. 339

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Education Development Initiative for the 21st Century Act.''

SEC. 2. PURPOSE.

The purpose of this Act is to provide rural school students in the United States with increased learning opportunities.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific needs of rural school districts and schools, especially those that serve poor students.

(2) The National Center for Educational Statistics (NCES) reports that while 46 percent of our Nation's public schools serve rural areas, they only receive 22 percent of the nation's education funds annually.

(3) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers (especially in Special Education, Science, and Mathematics). Consequently, teachers in rural schools are almost twice as likely to provide instruction in two or more subjects than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

(4) Data from the National Assessment of Educational Progress (NAEP) consistently shows large gaps between the achievement of students in high-poverty schools and those in other schools. High-poverty schools will face special challenges in preparing their students to reach high standards of performance on State and national assessments.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''local educational agency,'' ''secondary school'', and ''State educational agency'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that serves—

(A) a school age population 15 percent or more of whom are from families with incomes below the poverty line; and

(B)(i) a school locale code of 6, 7, 8; or

(ii) a school age population of 800 or fewer students.

(3) RURAL AREA.—The term ''rural area'' includes the area defined by the Department of Education using school local codes 6, 7, and 8.

(4) POVERTY LINE.—The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(5) SCHOOL LOCALE CODE.—The term ''school locale code'' has the meaning as defined by the Department of Education.

(6) SCHOOL AGE POPULATION.—The term ''School age population'' means the number of students aged 5 through 17.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 5. PROGRAM AUTHORIZED.

(a) RESERVATION.—From amounts appropriated under section 9 for a fiscal year the Secretary shall reserve 0.5 percent to make awards to elementary or secondary schools operated or supported by the Bureau of Indian Affairs to carry out the purpose of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—From amounts appropriated under section 9 that are not reserved under subsection (a) for a fiscal year, the Secretary shall award grants to State educational agencies that have applications approved under section 7 to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in subsection (c).

(2) FORMULA.—

(A) IN GENERAL.—Each State educational agency shall receive a grant under this section in an amount that bears the same relation to the amount of funds appropriated under section 9 that are not reserved under subsection (a) for a fiscal year as the school age population served by eligible local educational agencies in the State bears to the school age population served by eligible local educational agencies in all States.

(B) DATA.—In determining the school age population under subparagraph (A) the Secretary shall use the most recent date available from the Bureau of the Census.

(3) DIRECT AWARDS TO LOCAL EDUCATIONAL AGENCIES.—If a State educational agency elects not to participate in the program under this Act or does not have an application approved under section 7, the Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under paragraph (2) directly to eligible local educational agencies in the State.

(4) MATCHING REQUIREMENT.—Each eligible local educational agency that receives a grant under this Act shall contribute resources with respect to the local authorized activities to be assisted, in cash or in kind, from non-Federal sources, in an amount equal to the Federal funds awarded under the grant.

(c) LOCAL AUTHORIZED ACTIVITIES.—Grant funds awarded to local educational agencies under this Act shall be used for—

(1) local educational technology efforts as established under section 6844 of Title 20, United States Code;

(2) professional development activities designed to prepare those teachers teaching out of their primary subject area;

(3) academic enrichment programs established under section 10204 of Title 20 in United States Code;

(4) innovative academic enrichment programs related to the educational needs of students at-risk of academic failure, including remedial instruction in one or more of the core subject areas of English, Mathematics, Science, and History; or

(5) activities to recruit and retain qualified teachers in Special Education, Math, and Science.

(d) RELATION TO OTHER FEDERAL FUNDING.—Funds received under this Act by a State educational agency or an eligible local educational agency shall not be taken into consideration in determining the eligibility for, or amount of, any other Federal funding awarded to the agency.

SEC. 6. STATE DISTRIBUTION OF FUNDS.

(a) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies according to a formula or competitive grant program developed by the State educational agency and approved by the Secretary.

(b) FIRST YEAR.—For the first year that a State educational agency receives a grant under this Act, the State educational agency—

(1) shall use not less than 99 percent of the grant funds to award grants to eligible local educational agencies in the State; and

(2) may use not more than 1 percent for State activities and administrative costs and technical assistance related to the program.

(c) SUCCEEDING YEARS.—For the second and each succeeding year that a State educational agency receives a grant under this Act, the State educational agency—

(1) shall use not less than 99.5 percent of the grant funds to award grants to eligible local educational agencies in the State; and

(2) may use not more than 0.5 percent of the grant funds for State activities and administrative costs related to the program.

SEC. 7. APPLICATIONS.

Each State educational agency, or local educational agency eligible for a grant under section 5(b)(3), that desires a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

SEC. 8. REPORTS; ACCOUNTABILITY; STUDY.

(a) STATE REPORTS.—

(1) CONTENTS.—Each State educational agency that receives a grant under this Act shall provide an annual report to the Secretary. The report shall describe—

(A) the method the State education agency used to award grants to eligible local educational agencies under this Act;

(B) how eligible local educational agencies used funds provided under this Act;

(C) how the State educational agency provided technical assistance for an eligible local educational agency that did not meet the goals and objectives described in subsection (c)(3); and

(D) how the State educational agency took action against an eligible local educational agency if the local educational agency failed, for 2 consecutive years, to meet the goals and objectives described in subsection (c)(3).

(2) AVAILABILITY.—The Secretary shall make the annual State reports received under paragraph (1) available for dissemination to Congress, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.

(b) LOCAL EDUCATIONAL AGENCY REPORTS.—Each eligible local educational agency that receives a grant under section 5(b)(3) shall provide an annual report to the Secretary. The report shall describe how the local educational agency used funds provided under this Act and how the local educational agency coordinated funds received under this Act with other Federal, State, and local funds.

(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress an annual report. The report shall describe—

(1) the methods the State educational agencies used to award grants to eligible local educational agencies under this Act;

(2) how eligible local educational agencies used funds provided under this Act; and

(3) the progress made by State educational agencies and eligible local educational agencies receiving assistance under this Act in meeting specific, annual, measurable performance goals and objectives established by such agencies for activities assisted under this Act.

(d) ACCOUNTABILITY.—The Secretary, at the end of the third year that a State educational agency participates in the program assisted under this Act, shall permit only those State educational agencies that met their performance goals and objectives, for two consecutive years, to continue to participate in the program.

(e) STUDY.—The Comptroller General of the United States shall conduct a study regarding the impact of assistance provided under this Act on student achievement. The Controller General shall report the results of the study to Congress.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $300,000,000 for each of the fiscal years 2002 through 2005.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 99

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 99, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 143

At the request of Mr. GRAMM, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 143, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 149

At the request of Mr. ENZI, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Nevada (Mr. REID) were added as a cosponsors of S. 149, a bill to provide authority to control exports, and for other purposes.

S. 237

At the request of Mr. HUTCHINSON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 275

At the request of Mr. KYL, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Wyoming (Mr. THOMAS) were added as a cosponsors of S. 275, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to preserve a step up in basis of certain property acquired from a decedent, and for other purposes.

S. 277

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Indiana (Mr. BAYH) were added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 307

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 307, a bill to provide grants to State educational agencies and local educational agencies for the provision of classroom-related technology training for elementary and secondary school teachers.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. LELAND) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 7

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the United States should establish an international education policy to enhance national security and significantly further United States foreign policy and global competitiveness.

SENATE CONCURRENT RESOLUTION 11—EXPRESSING THE SENSE OF CONGRESS TO FULLY USE THE POWERS OF THE FEDERAL GOVERNMENT TO ENHANCE THE SCIENCE BASE REQUIRED TO MORE FULLY DEVELOP THE FIELD OF HEALTH PROMOTION AND DISEASE PREVENTION, AND TO EXPLORE HOW STRATEGIES CAN BE DEVELOPED TO INTEGRATE LIFESTYLE IMPROVEMENT PROGRAMS INTO NATIONAL POLICY, OUR HEALTH CARE SYSTEM, SCHOOLS, WORKPLACES, FAMILIES AND COMMUNITIES.

Mrs. FEINSTEIN (for herself, Mr. CRAIG, Mr. BINGAMAN, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions.

S. CON. RES. 11

Whereas the New England Journal of Medicine has reported that modifiable lifestyle factors such as smoking, sedentary lifestyle, poor nutrition, unmanaged stress, and obesity account for approximately 50 percent of the premature deaths in the United States;

Whereas the New England Journal of Medicine has reported that spending on chronic diseases related to lifestyle and other preventable diseases accounts for an estimated 70 percent of total health care spending;

Whereas preventing disease and disability can extend life and reduce the need for health care services;

Whereas the Department of Health and Human Services has concluded that the health burden of these behaviors falls in greatest proportion on older adults, young children, racial and ethnic minority groups and citizens who have the least resources;

Whereas business leaders of America have asserted that spending for health care can divert private sector resources from investments that could produce greater financial returns and higher wages paid to employees;

Whereas the Office of Management and Budget reports that the medicaid and medicare expenditures continue to grow;

Whereas the American Journal of Public Health reports that expenditures for the medicare program will increase substantially as the population ages and increasing numbers of people are covered by medicare;

Whereas the American Journal of Health Promotion reports that a growing research base demonstrates that lifestyle factors can be modified to improve health, improve the quality of life, reduce medical care costs, and enhance workplace productivity through health promotion programs;

Whereas the Health Care Financing Administration has determined that less than 5 percent of health care spending is devoted to the whole area of public health, and a very small portion of that 5 percent is devoted to health promotion and disease prevention;

Whereas research in the basic and applied science of health promotion can yield a better understanding of health and disease prevention;

Whereas additional research can clarify the impact of health promotion programs on long term health behaviors, health conditions, morbidity and mortality, medical care utilization and cost, as well as quality of life and productivity;

Whereas the Institute of Medicine of the National Academy of Science has concluded that additional research is required to determine the most effective strategies to create lasting health behavior changes, reduce health care utilization, and enhanced productivity;

Whereas the private sector and academia cannot sponsor broad public health promotion, disease prevention, and research programs;

Whereas the full benefits of health promotion cannot be realized—

(1) unless strategies are developed to reach all groups including older adults, young children, and minority groups;

(2) until a more professional consensus on the management of health and clinical protocols is developed;

(3) until protocols are more broadly disseminated to scientists and practitioners in health care, workplace, school, and other community settings; and

(4) until the merits of health promotion programs are disseminated to policy makers;

Whereas investments in health promotion can contribute to reducing health disparities; and

Whereas Research America reports that most American citizens strongly support increased Federal investment in health promotion and disease prevention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Building Health Promotion and Disease Prevention into the National Agenda Resolution of 2001''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Government should—

(1) increase resources to enhance the science base required to further develop the field of health promotion and disease prevention; and

(2) explore strategies to integrate life-style improvement programs into national policy, health care, schools, workplaces, families, and communities in order to promote health and prevent disease.

Mrs. FEINSTEIN. Mr. President, today Senator CRAIG and I are introducing the ''Building Health Promotion and Disease Prevention into the National Agenda Resolution of 2001.''

This resolution expresses the sense of Congress that the federal government should do two things: (1) Support scientific research on health promotion and (2) explore ways in which the government can develop a national policy to integrate lifestyle improvement programs into our health care, schools, families and communities.

This resolution is supported by a coalition of 47 organizations, including the Wellness Council of America, the American Journal of Health Promotion, the American Preventive Medical Association, the National Alliance for Hispanic Health, the National Center for Health Education, Partnership for Prevention, and the Society for Prevention Research.

According to the American Journal of Health Promotion, health promotion is ''the science and art of helping people change their lifestyle to move toward a state of optimal health.'' Optimal health is defined as ''a balance of physical, emotional, social, spiritual and intellectual health.''

In this day and age of scientific breakthroughs and increased knowledge of medical science and health, American health care tends to emphasize curative treatments, rather than preventive measures and health promotion.

Several compelling statistics make the case for this resolution:

''Fifty percent of premature deaths in the United States are related to modifiable lifestyle factors,'' according to the Journal of the American Medical Association.

People with good health habits survive longer, and they can postpone disability by five years and compress it into fewer years at the end of life, says the New England Journal of Medicine.

While the exact amount spent on preventive health is disputed, experts estimate that only two to five percent of the annual $1.5 trillion spent on national health care is on health promotion and disease prevention. In an April 1999 speech, Dr. David Satcher, the U.S. Surgeon General, stated that ''only one percent of that amount goes

to population-based prevention.'' According to the Centers for Disease Control and Prevention, CDC, the government spends $1,390 per person per year to treat disease and only $1.21 per person per year to prevent disease. This is simply not enough.

We must do a better job of supporting health promotion and disease prevention, as well as research to find cures for diseases and helping those who suffer from all illnesses. By doing so, we will see an increase in the number of Americans who are living longer and healthier lives and this could mean a decrease in overall national health costs. Simply put, it is much cheaper to prevent a disease than to treat it.

Diseases that are modifiable, if not checked, can become very expensive in treatment and cures. For instance:

The direct and indirect costs of smoking is $130 billion per year.

Diabetes costs $98 billion per year.

Physical inactivity costs $24 billion per year.

Cardiovascular diseases cost $327 billion per year.

Cancer costs $107 billion per year.

Here is another example. Obesity costs our nation $70 billion per year. In a recent report titled ''Promoting Health for Young People through Physical Activity and Sports,'' the CDC states that it is increasingly important that children from pre-kindergarten to 12th grade receive physical education every day, as well as after-school sports programs. According to Dr. Jeffrey Koplan, the director of the CDC, ''We are facing a serious public health program . . . we have an epidemic of obesity among youth, and we are seeing a troubling rise in cardiovascular risk factors, including type 2 diabetes among young people.''

With increased physical education, our children will be less likely to suffer from obesity, and in turn lower the risk type 2 diabetes.

Increased awareness about disease prevention and health promotion will never totally prevent illness, but it can reduce the cost of treating preventable diseases. It can save millions of dollars.

For instance, sun-block is proven to prevent some skin cancers. If every person who spent prolonged periods of time outside, protected themselves adequately from the sun's harmful rays, many incidents of skin cancer could be prevented. It is that easy.

Early detection helps to lower costs of diseases in the long run. If everyone had regular physicals and screenings, many diseases could be detected early and treated long before they advance to serious, incurable, and terminal stages.

Clearly, we must make health promotion a national priority.

The sad part is, our government invests very little to help educate people and promote healthier living.

As I stated earlier, it is estimated that out of the $1.5 trillion spent annually on health care, only two to five percent goes to health promotion and disease prevention. Government public health activities receive 3.2 percent of national health expenditures, according to the Health Care Financing Administration. The National Institutes of Health (NIH) spent $4.4 billion on prevention research in Fiscal Year 2000.

Surgeon General Dr. David Satcher believes that the government should pursue ''a balanced community health system, a system which balances health promotion, disease prevention, early detection and universal access to care.'' I couldn't agree more. While it is imperative that our nation's research in diseases and medicine continue, we must increase our attention to disease prevention.

Passing this concurrent resolution will make a strong statement that the health of all Americans is a national priority.

As the generation of baby boomers quickly approaches retirement, the education and promotion of health and the lengthening of life-spans becomes even more important.

Keeping people healthy should be our number one goal.

I urge my colleagues to support this important resolution.

SENATE CONCURRENT RESOLUTION 12—EXPRESSING THE SENSE OF CONGRESS REGARDING THE IMPORTANCE OF ORGAN, TISSUE, BONE MARROW, AND BLOOD DONATION, AND SUPPORTING NATIONAL DONOR DAY

Mr. DURBIN (for himself, Mr. FRIST, Mr. KENNEDY, Mr. SANTORUM, Mr. SPECTER, Mr. DORGAN, Ms. MIKULSKI, Mr. DEWINE, Mr. HAGEL, Mr. KERRY, Ms. COLLINS, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. LEVIN, Mr. BIDEN, Mr. CLELAND, Mr. FEINGOLD, Mr. ENZI, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. INOUYE, Mr. TORRICELLI, Mr. GRAHAM, Mr. REID, Mrs. CLINTON, Mr. DODD, Mr. BREAUX, Mr. KOHL, and Mrs. LINCOLN) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 12

Whereas more than 70,000 individuals await organ transplants at any given moment;

Whereas another man, woman, or child is added to the national organ transplant waiting list every 20 minutes;

Whereas despite the progress in the last 15 years, more than 15 people per day die because of a shortage of donor organs;

Whereas almost everyone is a potential organ, tissue, and blood donor;

Whereas transplantation has become an element of mainstream medicine that prolongs and enhances life;

Whereas for the fourth consecutive year, a coalition of health organizations is joining forces for National Donor Day;

Whereas the first three National Donor Days raised a total of nearly 25,000 units of blood, added over 4,000 potential donors to the National Marrow Donor Program Registry, and distributed tens of thousands of organ and tissue pledge cards;

Whereas National Donor Day is America's largest one-day organ, tissue, bone marrow, and blood donation event; and

Whereas a number of businesses, foundations, health organizations, and the Department of Health and Human Services have designated February 10, 2001, as National Donor Day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideas of National Donor Day;

(2) encourages all Americans to learn about the importance of organ, tissue, bone marrow, and blood donation and to discuss such donation with their families and friends; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for organ, tissue, bone marrow, and blood donation.

Ms. LANDRIEU. Mr. President, I rise today to say just a few words about Senator DURBIN's measure honoring National Donor Day on February 10, 2001. I am proud to join Senator DURBIN as a cosponsor of this measure.

As Americans, one of the many things that we can be thankful for is the high quality of medical care. American technology, physicians, and pharmaceutical companies are often leaders in the development of new and improved healthcare equipment and techniques. But even the most cutting-edge technologies, the best doctors and nurses, and the finest facilities cannot save the life of a person in need of a transplant or transfusion. A grandfather with failing kidneys, a child with cancer, a mother who was in a car accident—any of these individuals could be saved by a gift of blood or an organ. Without these vital gifts, all of which are in great demand, many of our patients would not survive.

Let me just take a moment to mention a few very telling facts. Only five percent of people who are able to donate blood do so on a regular basis. And, although donated blood can be stored for up to six weeks, is rarely is for more than ten days, because the demand is so great. And that is just for the donation of blood. There are more than 70,000 individuals awaiting organ transplants at any given time, and ten people die every day because of the shortage of these organs. Ten people a day—over the past year, 3,650 of our citizens have died, simply because there are not enough organs out there to meet the need.

On a most personal level, there was a young child from my state—Caleb Godso—who was recently admitted to St. Jude Hospital with Leukemia. Caleb, who is just over a year old now, was only five months old when he was diagnosed. He was given only a ten percent chance of surviving. But thanks to

chemotherapy, a new kind of treatment, and a bone marrow transplant from his father, Caleb is in remission now, and doing well. He is only one of the thousands of individuals whose lives are saved by transplants every year, and the many more who require blood transfusions. But there are so many more who do not receive the help they need.

This is why it is so vital that we make people aware of the importance of donating blood, tissue, marrow, or organs. Today, on this very special day, we focus on the impact love can have on a person's life. We shower our loved ones with gifts and flowers to show how much we truly care for them. We exchange cards and kind words with coworkers, friends, and even strangers. But what better way to show our love for others than through the simple gift of a pint of blood, or checking the box on our driver's license to become an organ donor?

The majority of people are eligible to be donors, and the past three National Donor Days have made many people aware of our great need. I urge my colleagues to work and help continue to make National Donor Day a success.

SEANTE CONCURRENT RESOLUTION 13—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE UPCOMING TRIP OF PRESIDENT GEORGE W. BUSH TO MEXICO TO MEET WITH THE NEWLY ELECTED PRESIDENT VICENTE FOX, AND WITH RESPECT TO FUTURE COOPERATIVE EFFORTS BETWEEN THE UNITED STATES AND MEXICO

Mr. DEWINE (for himself, Mr. HELMS, Mr. DODD, Mr. MCCAIN, Mr. LOTT, Ms. LANDRIEU, Mr. GRASSLEY, Mr. BREAUX, Mr. L. CHAFEE, Mr. VOINOVICH, and Mr. LEAHY) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 13

Whereas Vicente Fox Quesada of the Alliance for Change (consisting of the National Action Party and the Mexican Green Party) was sworn in as President of the United Mexican States on December 1, 2000, the first opposition candidate to be elected president in Mexico in seven decades;

Whereas the United States, as Mexico's neighbor, ally, and partner in the Hemisphere, has a strong interest in seeing President Fox advance prosperity and democracy during his term of office;

Whereas President George W. Bush and President Vicente Fox have demonstrated their mutual willingness to forge a deeper alliance between the United States and Mexico by making President Bush's first foreign trip as President of the United States to Mexico on February 16, 2001;

Whereas both presidents recognize that a strong, steady Mexican economy can be the foundation to help solve many of the challenges shared by the two countries, such as immigration, environmental quality, organized crime, corruption and trafficking in illicit narcotics;

Whereas the economic cooperation spearheaded by the North American Free Trade Agreement (NAFTA) has established Mexico as the second largest trading partner of the United States, with a two-way trade of $174,000,000,000 each year;

Whereas the North American Development Bank and its sister institution, the Border Environment Cooperation Commission, were established to promote environmental infrastructure development that meets the needs of border communities;

Whereas the Overseas Private Investment Corporation, an independent self-sustaining United States Government agency responsible for facilitating the investment of United States private sector capital in emerging markets, has recently developed a small business-financing program to support United States investment in Mexico;

Whereas under the North American Free Trade Agreement the United States currently has an annual limit on the number of visas that may be issued to Mexican business executives for entry into the United States but there is no such limit with respect to the Canadian business executives;

Whereas United States-Mexico border tensions have continued to escalate, with the number of illegal migrant deaths increasing 400 percent since the mid 1990s; and

Whereas the Government of Mexico, through the establishment of a special cabinet commission, has made a renewed commitment, with increased resources, to combat drug trafficking and corruption: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should work with the Government of Mexico to advance bilateral cooperation and should, among other initiatives, seek to—

(1) encourage economic growth and development to benefit both the United States and Mexico, including developing a common strategy to improve the flow of credit and United States investment opportunities in Mexico, as well as increasing funding of entrepreneurial programs of all sizes, from micro- to large-scale enterprises;

(2) strengthen cooperation between the United States and Mexican military and law enforcement entities for the purpose of addressing common threats to the security of the two countries, including illegal drug trafficking, illegal immigration, and money laundering;

(3) upon the request of President Fox—

(A) provide assistance to Mexico in support of President Fox's plan to reform Mexico's entire judicial system and combat inherent corruption within Mexico's law enforcement system; and

(B) provide assistance to the Government of Mexico to strengthen the institutions that are integral to democracy;

(4) develop a common strategy to address undocumented and documented immigration between the United States and Mexico through increased cooperation, coordination, and economic development programs;

(5) develop a common strategy for fighting the illicit drug trade by reducing the demand for illicit drugs through intensification of anti-drug information and education, improvement of intelligence sharing and the coordination of counterdrug activities, and increasing maritime and logistics cooperation to improve the respective capacities of the two countries to disrupt drug shipments by land, air, and sea;

(6) encourage bilateral and multilateral environmental protection activities with Mexico, including strengthening the North American Development Bank (NADbank) so as to facilitate expansion of the Bank;

(7) obtain the support of the Government of Mexico to assist the Government of Colombia in achieving a peaceful political resolution to the conflict in Colombia; and

(8) review the current illicit drug certification process, and should seek to be open to consideration of other evaluation mechanisms that would promote increased cooperation and effectiveness in combating the illicit drug trade.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

SENATE CONCURRENT RESOLUTION 14—RECOGNIZING THE SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT, AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF IT

Mr. CAMPBELL (for himself and Mr. KOHL) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions, as follows:

S. CON. RES. 14

Whereas more than 3,000,000 American children are reported as suspected victims of child abuse and neglect annually;

Whereas more than 500,000 American children are unable to live safely with their families and are placed in foster homes and institutions;

Whereas it is estimated that more than 1,000 children, 78 percent under the age of 5 and 38 percent under the age of 1, lose their lives as a direct result of abuse and neglect every year in America;

Whereas this tragic social problem results in human and economic costs due to its relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency; and

Whereas Childhelp USA has initiated a ''Day of Hope'' to be observed on the first Wednesday in April, during Child Abuse Prevention Month, to focus public awareness on this social ill: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of the Congress that—

(A) all Americans should keep these victimized children in their thoughts and prayers;

(B) all Americans should seek to break this cycle of abuse and neglect and to give these children hope for the future; and

(C) the faith community, nonprofit organizations, and volunteers across America should recommit themselves and mobilize their resources to assist these children; and

(2) the Congress—

(A) supports the goals and ideas of the ''Day of Hope''; and

(B) commends Childhelp USA for its efforts on behalf of abused and neglected children everywhere.

Mr. CAMPBELL. Mr. President, for far too long, our nation has been almost silent about the needs of some of its most vulnerable families and children—those caught in the vicious cycle of child abuse. That is why, today, I am submitting a Senate concurrent resolution recognizing the first Wednesday of April as a National Day of Hope dedicated to remembering the victims of

child abuse and neglect and recognizing Childhelp USA for initiating such a day. I am pleased to be joined in this effort by my friend and colleague from Wisconsin, Senator KOHL, with whom I have worked for many years on issues affecting youth at risk.

This resolution expresses the sense of the Congress that we must break the cycle of child abuse and neglect by mobilizing all our resources including the faith community, nonprofit organizations and volunteers. Childhelp USA is one of our oldest national organizations dedicated to meeting the needs of abused and neglected children. By focusing its efforts on prevention and research as well as on treatment, this organization has provided help to thousands of children since it was founded in 1959. Childhelp USA and many other non-profits or faith-based organizations nationwide are performing a vital service to abused and neglected children that they would not have otherwise, and they are to be commended.

I know first-hand the importance of having help when it is needed. The National Day of Hope Resolution calls on each of us to renew our duty and responsibility to the vulnerable children and families caught in the cycle of child abuse and neglect.

To further observe the National Day of Hope, a cross-country ride has been organized by a group of Harley-Davidson owners in Northern Arizona. This ''Cycle of Hope'' will help turn the eyes of our entire nation to the suffering of the victims of child abuse. As a motorcycle enthusiast myself, I look forward to being a part of that effort.

More than 3 million American children are reported as suspected victims of child abuse and neglect each year. That is 3 million children too many. And, it is estimated that more than 1,000 children, 78 percent under the age of 5 and 38 percent under one year of age, lose their lives as a direct result of abuse and neglect every year. That is not acceptable. We must do something to change these statistics.

While I am encouraged by the efforts of many organizations nationwide, more needs to be done. That is why I urge my colleagues to act quickly on this resolution so we can move one step closer to erasing the horror of child abuse from our nation's history.

SENATE RESOLUTION 20—DESIGNATING MARCH 25, 2001, AS ''GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY''

Mr. SPECTER (for himself, Mrs. BOXER, Mr. SANTORUM, Mr. MURKOWSKI, Mr. COCHRAN, Mr. JOHNSON, Mrs. MURRAY, Mr. FITZGERALD, Mr. SCHUMER, Mr. HARKIN, Mr. REED, Mr. SARBANES, Mr. THOMAS, Mr. LUGAR, Mr. LIEBERMAN, Ms. SNOWE, Mr. BIDEN, Mr. BYRD, Mr. SHELBY, Mr. INOUYE, Mr. DURBIN, Mr. JEFFORDS, Mr. GREGG, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. CLELAND, Mr. KERRY, Mr. DODD, Mr. GRAHAM, Mr. TORRICELLI, Mr. INHOFE, Mr. ROCKEFELLER, Mr. WARNER, Mr. LEVIN, Mr. DEWINE, Mr. BINGAMAN, Mr. BENNETT, Mr. KOHL, Mr. STEVENS, Mr. DOMENICI, Mr. THOMPSON, Mr. GRASSLEY, Mr. SMITH of Oregon, Mr. SESSIONS, Mr. HAGEL, Mr. ENZI, Mr. BREAUX, Mr. EDWARDS, Mr. CORZINE, Mrs. HUTCHISON, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 20

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821, ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas Greece is 1 of only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict in the twentieth century;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete and in Greece presenting the Axis land war with its first major setback, which set off a chain of events that significantly affected the outcome of World War II;

Whereas former President Clinton, during his visit to Greece on November 20, 1999, referred to modern-day Greece as ''a beacon of democracy, a regional leader for stability, prosperity and freedom'', and President George W. Bush, in a letter to the Prime Minister of Greece, Constantinos Simitis, in January 2001, referred to the ''stable foundations and common values'' that are the basis of relations between Greece and the United States;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 2001, marks the 180th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2001, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, today I am pleased to submit a resolution along with fifty-one of my colleagues to designate March 25, 2001, as ''Greek Independence Day: A Celebration of Greek and American Democracy.''

One hundred and eighty years ago, the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, ''to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness.'' It is fitting, then, that we should recognize the anniversary of the beginning of their efforts to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we have gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government.

It is my hope that strong support for this resolution in the Senate will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar resolutions have been passed by the Senate since 1984 with overwhelming support. Accordingly, I urge my Senate colleagues to join me in supporting this important resolution.

SENATE RESOLUTION 21—DIRECTING THE SERGEANT-AT-ARMS TO PROVIDE INTERNET ACCESS TO CERTAIN CONGRESSIONAL DOCUMENTS, INCLUDING CERTAIN CONGRESSIONAL RESEARCH SERVICE PUBLICATIONS, SENATE LOBBYING AND GIFT REPORT FILINGS, AND SENATE AND JOINT COMMITTEE DOCUMENTS

Mr. MCCAIN (for himself, Mr. LEAHY, Mr. LOTT, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 21

Whereas it is the sense of the Senate that—

(1) it is often burdensome, difficult, and time-consuming for citizens to obtain access to public records of the United States Congress;

(2) congressional documents that are placed in the Congressional Record are made

available to the public electronically by the Superintendent of Documents under the direction of the Public Printer;

(3) other congressional documents are also made available electronically on websites maintained by Members of Congress and Committees of the Senate and the House of Representatives;

(4) a wide range of public records of the Congress remain inaccessible to the public;

(5) the public should have easy and timely access, including electronic access, to public records of the Congress;

(6) the Congress should use new technologies to enhance public access to public records of the Congress; and

(7) an informed electorate is the most precious asset of any democracy; and

Whereas it is the sense of the Senate that it will foster democracy—

(1) to ensure public access to public records of the Congress;

(2) to improve public access to public records of the Congress; and

(3) to enhance the electronic public access, including access via the Internet, to public records of the Congress: Now, therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate shall make information available to the public in accordance with the provisions of this resolution.

SEC. 2. AVAILABILITY OF CERTAIN CRS INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make available through a centralized electronic database, for purposes of access and retrieval by the public under section 4 of this resolution, all information described in paragraph (2) that is available through the Congressional Research Service website.

(2) INFORMATION TO BE MADE AVAILABLE.—The information to be made available under paragraph (1) is:

(A) Congressional Research Service Issue Briefs.

(B) Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service website.

(C) Congressional Research Service Authorization of Appropriations Products and Appropriations Products.

(b) LIMITATIONS.—

(1) CONFIDENTIAL INFORMATION.—Subsection (a) does not apply to—

(A) any information that is confidential, as determined by—

(i) the Director; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service; or

(B) any documents that are the product of an individual, office, or committee research request (other than a document described in subsection (a)(2)).

(2) REDACTION AND REVISION.—In carrying out this section, the Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, may—

(A) remove from the information required to be made available under subsection (a) the name and phone number of, and any other information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available under subsection (a) any material for which the Director determines that making it available under subsection (a) may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes in the information required to be made available under subsection (a) that the Director determines necessary to ensure that the information is accurate and current.

(c) MANNER.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make information required to be made available under this section in a manner that—

(1) is practical and reasonable; and

(2) does not permit the submission of comments from the public.

SEC. 3. PUBLIC RECORDS OF THE CONGRESS.

(a) SENATE.—The Secretary of the Senate, through the Office of Public Records and in accordance with such standards as the Secretary may prescribe, shall make available on the Internet for purposes of access and retrieval by the public:

(1) LOBBYIST DISCLOSURE REPORTS.—Lobbyist disclosure reports required by the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) within 90 days (Saturdays, Sundays, and holidays excepted) after they are received.

(2) GIFT RULE DISCLOSURE REPORTS.—Senate gift rule disclosure reports required under paragraph 2 and paragraph 4(b) of rule XXXV of the Standing Rules of the Senate within 5 days (Saturdays, Sundays, and holidays excepted) after they are received.

(b) DIRECTORY.—The Superintendent of Documents, under the Direction of the Public Printer in the Government Printing Office, shall include information about the documents made available on the Internet under this section in the electronic directory of Federal electronic information required by section 4101(a)(1) of title 44, United States Code.

SEC. 4. METHOD OF ACCESS.

(a) IN GENERAL.—The information required to be made available to the public on the Internet under this resolution shall be made available as follows:

(1) CRS INFORMATION.—Public access to information made available under section 2 shall be provided through the websites maintained by Members and Committees of the Senate.

(2) PUBLIC RECORDS.—Public access to information made available under section 3 by the Secretary of the Senate's Office of Public Records shall be provided through the United States Senate website.

(b) EDITORIAL RESPONSIBILITY FOR CRS REPORTS ONLINE.—The Sergeant-at-Arms of the Senate is responsible for maintaining and updating the information made available on the Internet under section 2.

SEC. 5. CONGRESSIONAL COMMITTEE MATERIALS.

It is the sense of the Senate that each standing and special Committee of the Senate and each Joint Committee of the Congress, in accordance with such rules as the committee may adopt, should provide access via the Internet to publicly-available committee information, documents, and proceedings, including bills, reports, and transcripts of committee meetings that are open to the public.

SEC. 6. IMPLEMENTATION.

The Sergeant-at-Arms of the Senate shall establish the database described in section 2(a) within 6 months after the date of adoption of this resolution.

SEC. 7. GAO STUDY.

(a) IN GENERAL.—Beginning 1 year after the date on which the database described in section 2(a) is established, the Sergeant-at-Arms shall request the Comptroller General to examine the cost of implementing this resolution, other than this section, with particular attention to the cost of establishing and maintaining the database and submit a report within 6 months thereafter. The Sergeant-at-Arms shall ask the Comptroller General to include in the report recommendations on how to make operations under this resolution more cost-effective, and such other recommendations for administrative changes or changes in law, as the Comptroller General may determine to be appropriate.

(b) DELIVERY.—The Sergeant-at-Arms shall transmit a copy of the Comptroller General's report under subsection (a) to:

(1) The Senate Committee on Rules and Administration.

(2) The Senate Committee on Commerce, Science, and Transportation.

(3) The Senate Committee on the Judiciary.

(4) The Joint Committee of the Congress on the Library of Congress.

Mr. MCCAIN. Mr. President, I would like to submit a resolution to make selected Congressional Research Service products, lobbyist disclosure reports, and Senate gift disclosure forms available over the Internet for the American people. This bipartisan legislation is sponsored by Senators LEAHY, LOTT and LIEBERMAN.

The Congressional Research Service (CRS) is well known for producing high-quality reports and issue briefs that are concise, factual, and unbiased—a rarity in Washington. Many of us have used these products to make decisions on a wide variety of legislative proposals considering issues as diverse as Amtrak reform, the future of the Internet, health care reform, and tax policy. Also, we routinely send these products to our constituents in order to help them understand the important issues of our time.

My colleagues and I believe that it is important that the public should have access to this CRS information. The American public will pay $73.4 million to fund CRS' operations for the fiscal year 2001. The material covered in this resolution is not confidential or classified, and the public should be able to see that their money is well spent.

The Senate will serve two crucial functions by allowing the public to access this information over the Internet. First, it will help to fight a growing public cynicism about our government. According to a January 10–14, 2001, Gallup poll, the American public listed dissatisfaction with the Congress, government leadership, and the government in general as one of the ''most important problems facing the country today.'' By making these unbiased documents available online, the Senate will allow the public to see the factors that influence our decisions and votes. These documents will provide the public a more accurate view of the Congressional decision-making, and dispel some of the notions about Congress that create this cynicism.

In addition, the Senate will serve the important function of informing their

constituents by making these CRS products available online. Members of the public will be able to read these CRS products and receive a concise, accurate summary of issues that concern them. As their elected representatives, we should strive to promote a better informed and educated public. Educated voters are best able to make decisions and petition their legislators on how to accurately represent them.

I would like to point out that these products are already available on the Internet. ''Black market'' private vendors are charging up to $49 for a single report. Other web sites have outdated CRS products on them. It is not fair for the American people to have to pay a third party for out-of-date products for which they have already footed the bill.

This resolution is different from legislation that I authored last Congress. The House of Representatives has started a pilot program to make CRS products electronically available to the public. This resolution is drafted to set up a system identical to the House program. The Senate Sergeant-at-Arms will establish and maintain the database of CRS documents through the Senate Computer Center. The public will only be able to access these documents through Senators or Senate Committee's web pages. This system will allow Senators and Committee Chairmen to be able to choose which documents are made available to the public through their web page.

This change will ensure that only the Senate is directly involved in making CRS products available to the public. This change to the bill will ensure that the CRS' mission is not altered in any way, and that it cannot be open to liability suits. I ask unanimous consent to include a letter from Mr. Stanley M. Brand, a former General Counsel to the House of Representatives, who states that ''nothing in the resolution will alter or modify applicability of the Speech or Debate Clause protections to CRS products.'' In addition, Senators will be able to inform their constituents about how we are helping them here in Washington.

This resolution also includes other safeguards to ensure that CRS is protected from public interference. Confidential information and reports done for confidential research requests will not be made available to the public. The Senate Sergeant-at-Arms may remove the names of CRS employees from these products to prevent the public from distracting CRS employees. In addition, the Senate Sergeant-at-Arms may remove copyrighted information from the publicly-available reports. In the past, we have been informed that CRS may not have permission to release copyrighted information over the Internet. Currently, reports with copyrighted information may be posted over the House system. However, the Senate Sergeant-at-Arms may remove this information if it is necessary in the future.

Finally, we are aware that cost concerns have been raised about versions of this legislation introduced in earlier Congresses. Our understanding is that the House system of distribution has been achieved at a relatively low cost. This resolution will eliminate the cost burden to CRS by shifting the operation and maintenance of the database over to the Senate Sergeant-at-Arms. In addition, the Senate Sergeant-at-Arms is directed to ask the General Accounting Office to evaluate the program after one year to examine how to make the operations more cost-effective.

The resolution also requires the Senate Office of Public Records to place lobbyist disclosure forms and Senate gift disclosure forms on the Internet. We have already voted to make this information available to the public. Unfortunately, the public can only get access to this information through an office in the Hart building. These provisions will allow our constituents throughout the country to access this information. It is important to recognize the Senate Office of Public Records for setting up a system of online lobbying registration. The Senate can aid this office in its groundbreaking work by enacting this resolution.

This legislation has been endorsed by many groups including AOL Time Warner, the Congressional Accountability Project, Intel, the Center for Democracy and Technology, the American Library Association, Real Networks, Inc. and the National Federation of Press Women. Mr. President, I ask unanimous consent that these letters of support be printed in the RECORD.

The PRESIDING OFFICER. Without objective it is so ordered.

(See Exhibit 1.)

Mr. McCAIN. In conclusion, we would like to urge our colleagues to join us in supporting this legislation. The Internet offers us a unique opportunity to allow the American people to have everyday access to important information about their government. We are sure you agree that a well-informed electorate can best govern our great country.

EXHIBIT 1

BRAND & FRULLA,
Washington, DC, February 6, 2001.

Hon. JOHN MCCAIN,
Chairman, U.S. Senate Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR SENATOR MCCAIN: I am writing to address the provisions of a draft Senate Resolution which I understand you intend to introduce directing the Senate Sergeant-at-Arms to provide Internet access to certain public congressional and Congressional Research Service documents. This resolution is substantially the same as a bill you introduced in 1998 to make certain of the same documents available on the Internet.

By letter dated January 27, 1998, I commented extensively on the impact of this substantially identical legislation upon applicability of the Speech or Debate Clause, U.S. Const., art. I §6, cl. 1, to CRS products.

I concluded then, and reaffirm that nothing in the resolution will alter or modify applicability of the Speech or Debate Clause protections to CRS products.

There is one sense in which your revised resolution may actually strengthen the protections of the Clause for CRS products. By lodging responsibility in the Sergeant-at-Arms for providing access, you have retained in a legislative officer, as opposed to the CRS, the power to make determinations concerning accessibility. The Sergeant-at-Arms, is a ''[r]anking nonmember'' of the Senate and one of the statutory ''officers of the Congress,'' *Buckley* v. *Valeo*, 424 U.S. 1, 128 (1975) and 2 U.S.C. §60–1(b) and there can be, therefore, no doubt about the Senate's intent to repose in one of its officers the power to control its privileges.

In doing so, you have, as a practical matter as well, given the Senate more direct control over access to CRS matters. *See United States* v. *Hoffa*, 205 F. Supp. 710, 723 (S.D. Fla. 1962) (*cert. denied sub nom Hoffa* v. *Lieb*, 371 U.S. 892 (invocation of legislative privilege by the United States Senate conclusive upon judicial branch). Given that any putative litigant seeking to obtain privileged CRS documents would have to actually serve process upon the Seregeant-at-Arms to obtain documents under the revised resolution, it is even less likely under the revised resolution that a party could obtain disclosure of such documents.

Sincerely,

STANLEY M. BRAND.

AOL TIME WARNER,
Washington, DC, February 5, 2001.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MCCAIN AND SENATOR LEAHY: On behalf of AOL Time Warner, we write to express our support for your Senate Resolution directing the Sergeant-at-Arms to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

The Internet is one of our society's most powerful tools for education and communication, and its tremendous growth continues. We, like you, believe that this medium offers an unprecedented opportunity to connect individuals to the political process—by helping people become more informed citizens, by helping our government be more responsive to them, and by engaging more people in public policy discussions and debate.

Your resolution recognizes that the ability of citizens to access public records and to obtain research materials on public policy issues is crucial to a robust and successful democratic system, and that the Internet can serve as a powerful resource for information about our government and our political process. We believe that your legislation will help to further democracy by ensuring online access to Congressional documents and records.

We appreciate your leadership on this important issue and your continued leadership

on technology-related matters. We look forward to working with you closely in the 107th Congress.

Sincerely,

JILL LESSER,
Senior Vice President, Domestic Public Policy.

ELIZABETH FRAZEE,
Vice President, Domestic Policy & Congressional Relations.

THE NATIONAL FEDERATION OF PRESS WOMEN, INC.,
Arlington, VA, February 2, 2001.

Hon. JOHN MCCAIN,
Chairman, Senate Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR SENATOR MCCAIN: The National Federation of Press Women would like to express its support for legislation to establish a centralized, public database for Congressional Research Service reports.

NFPW, which represents more than 2,000 journalists, educators and professional communicators in the United States, last year supported S. 393, introduced by Sen. Patrick Leahy and yourself. Our members have sent notes of interest and concern to many senators to explain why this effort is important.

CRS reports are an invaluable resource to journalists. They provide the nation's best backgrounders on legislation. They help journalists to illuminate that wonderful sense of ''history on the run,'' as former Washington Post publisher Philip Graham once described the products of our craft.

But a CRS report's value to the public through the news media today is only as good as the luck of the reporter. Since the reports are not easily found, nor reliably catalogued in any public forum, a journalist often stumbles upon them in the course of other research, or learns of them only when a source reveals their existence. While the Members of Congress are forthcoming with assistance with these reports when asked, often the rush of deadlines outstrips the mail—and even the fax machine. A report undiscovered, or discovered too late for the story, offers nothing to the reader or viewer.

As publisher emeritus of a small daily newspaper in Kansas, I can assure you that this legislation would serve the interests of the public by providing our local reporters with the same access that well-funded Washington news bureaus have. And that will go a long way toward enhancing the credibility of the legislative process. Polls do tend to show that local press are better trusted by the citizenry than the national media. We bring the national news home. Your legislation can help us to do that.

New technologies now offer an ideal avenue for improved access. Not only journalists, but authors, historians, researchers, teachers and students will find a mother lode of useful information when CRS reports become electronically accessible. If the reports can be accessed through the websites of the Members, they likely will drive traffic to those sites, and that will further enhance the value of the Members' websites to the public.

NFPW urges you to continue to push forward with legislation to bring CRS reports to the Internet and to allow the public and press to share in the full value of this publicly-supported information service.

Sincerely,

VIVIEN SADOWSKI.

INTEL GOVERNMENT AFFAIRS,
Washington, DC, February 6, 2001.

Hon. JOHN MCCAIN,
Chairman, Senate Committee on Commerce, Science, & Transportation, Washington, DC.

DEAR CHAIRMAN MCCAIN: I write to affirm the support of Intel Corporation for your proposed Senate resolution regarding the maintenance of an electronic database through which the public would be able to access CRS reports to Congress, issue brief, and other products over the Internet. I note that your current initiative follows up on legislation that you introduced last Congress (S. 393) that would have mandated such action.

We have supported your efforts to achieve such public access in the past, and we are pleased that you have once again taken the initiative on this matter.

We believe that convenient electronic access to public documents upon which the Congress relies in performing its legislative and oversight functions serves to strengthen accountability of government to the people as well as the public's faith in the legislative process. We hope to see early action on your resolution in this session of the 107th Congress.

Sincerely,

DOUGLAS B. COMER,
Director, Legal Affairs.

CONGRESSIONAL ACCOUNTABILITY PROJECT,
Washington, DC, February 6, 2001.

Senator JOHN MCCAIN,
U.S. Senate,
Washington, DC.

Senator PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS MCCAIN AND LEAHY: We heartily endorse your Congressional Openness Resolution, which would require the U.S. Senate to put key congressional documents on the Internet, including Congressional Research Service (CRS) Reports and Issue Briefs, CRS Authorization and Appropriations products, lobbyist disclosure reports and Senate gift disclosure reports. Your resolution is a cheap and simple way to improve our democracy.

Citizens need access to these congressional documents to discharge their civic duties. CRS reports are some of the best research conducted by the federal government. Your resolution would put about 2700–2800 of these useful reports on the Internet. Placing lobbyist disclosure reports on the Internet would help citizens to track patterns of influence in Congress, and to discover who is paying whom how much to lobby on what issues.

Taxpayers will be cheered that you have included a Sense of the Senate resolution that Senate and Joint Committees should ''provide access via the Internet to publicly-available committee information, documents and proceedings, including bills, reports and transcripts of committee meetings that are open to the public.'' We taxpayers pay dearly to produce these documents; we ought to be able to read them, for free, on the Internet.

In 1822, James Madison explained why citizens must have government information: ''A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.''

The Congressional Openness Resolution honors the spirit of Madison's words. Thank you for your efforts to place congressional documents available on the Internet.

Sincerely,

Alliance for Democracy, American Association of Law Libraries, American Conservative Union, American Federation of Government Employees, American Society of Newspaper Editors, Better Government Association, Center for Democracy and Technology, Center for Media Education, Center for Responsive Politics, Common Cause, Computer Professional for Social Responsibility, Congressional Accountability Project, Consumer Federation of America, Electronic Frontier Foundation, Electronic Privacy Information Center, Federation of American Scientists, Friends of the Earth, Government Accountability Project, National Newspaper Association, National Security Archive, National Taxpayers Union, OMB Watch, Progressive Asset Management Inc., Project on Government Oversight, Public Citizen, RealNetworks, Inc., Reform Party of the USA, Regional Reporters Association, Reporters Committee for Freedom of the Press, Society of Professional Journalists, Taxpayers for Common Sense, U.S. Public Interest Research Group (USPIRG).

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, February 6, 2001.

Senator JOHN MCCAIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: We support your proposal to make reports from the Congressional Research Service (CRS) publicly available. We want to endorse your efforts to assure public access to a broad range of government information. The CRS reports are well researched and balanced products addressing a wide variety of current issues.

We believe that these unique and valued resources should be available to scholars and researchers as well as the general public through the Federal Depository Library Program (FDLP). The FDLP already provides a network of libraries throughout the country that serve the public by providing access to Federal government information. Utilizing the FDLP as well as Internet resources provides great public benefit through access to the CRS reports.

ALA has long standing policies about these issues of broad access to government information. We have attached a resolution supporting your earlier efforts pressing for access to this publicly supported research. We will also encourage our members to support your proposal.

As you know, the American Library Association is a nonprofit educational organization of over 60,000 librarians, library educators, information specialists, library trustees, and friends of libraries representing public, school, academic, state, and specialized libraries. ALA is dedicated to the improvement of library and information services, to the public's right to a free and open information society—intellectual participation—and to the idea of intellectual freedom.

ALA's previous resolution encouraged the appropriate Congressional committees to ''take immediate action to assure that the publicly released Congressional Research Service reports and information products are distributed in a timely manner to the general public through Federal Depository libraries and on the Internet.''

Attached is a copy of the complete resolution. We thank you for your efforts on this issue and look forward to working with you and your staff as this proposal moves forward.

Sincerely,

LYNNE BRADLEY,
Director, ALA Office of Government Relations.

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, Jan. 14, 1998.

RESOLUTION ON CONGRESSIONAL RESEARCH SERVICE PUBLICATIONS

Whereas, equitable and timely access to information created by the government is an important tenet of a free and democratic society; and

Whereas, Title 44 of the U.S. Code mandates provision of publications to Federal Depository Libraries; and

Whereas, the 104th and 105th Congresses have a made a concerted effort to increase public access to Congressional information through the Internet; and

Whereas, the Congressional Research Service (CRS) produces reports and information products at the request of Members of Congress; and

Whereas, CRS reports are well researched and balanced products addressing a wide variety of current issues; and

Whereas, the CRS produces and Congress releases reports that are not made available to the Government Printing Office for distribution to Federal Depository Libraries nor made available to the public on the Internet; and

Whereas, many of these reports are released to various individuals or groups by Members of Congress but not made available to the public; now, therefore, be it

Resolved, That the American Library Association urge that the Joint Committee on the Library, the Senate Rules and Administration Committee, and the House Oversight Committee take immediate action to assure that publicly released Congressional Research Service reports and information products are distributed in a timely manner to the general public through Federal Depository Libraries and on the Internet.

Adopted by the Council of the American Library Association, New Orleans, LA, January 14, 1998.

Mr. LEAHY. Mr. President, I am pleased to join today with Senator MCCAIN to submit a Senate resolution to provide Internet Access to important Congressional documents.

Our bipartisan resolution makes certain Congressional Research Service products, lobbyist disclosure reports and Senate gift disclosure reports available over the Internet to the American people.

The Congressional Research Service, CRS, has a well-known reputation for producing high-quality reports and information briefs that are unbiased, concise, and accurate. The taxpayers of this country, who pay $67 million a year to fund the CRS, deserve speedy access to these public resources and have a right to see that their money is being spent well.

The goal of our legislation is to allow every citizen the same access to the wealth of CRS information as a Member of Congress enjoys today. CRS performs invaluable research and produces first-rate reports on hundreds of topics. American taxpayers have every right to direct access to these wonderful resources.

Online CRS reports will serve an important role in informing the public. Members of the public will be able to read these CRS products and receive a concise, accurate summary of the issues before the Congress. As elected representatives, we should do what we can to promote an informed, educated public. The educated voter is best able to make decisions and petition us to do the right things here in Congress.

Our legislation follows the model online CRS program in the House of Representatives and ensures that private CRS products will remain protected by giving the CRS Director the authority to hold back any products that are deemed confidential. Moreover, the Director may protect the identity of CRS researchers and any copyrighted material. We can do both—protect confidential material and empower our citizens through electronic access to invaluable CRS products.

In addition, the bipartisan resolution would provide public online access to lobbyist reports and gift disclosure forms. At present, these public records are available in the Senate Office of Public Records in Room 232 of the Hart Building. As a practical matter, these public records are accessible only to those inside the Beltway.

I applaud the Office of Public Records for recently making technological history in the Senate by providing for lobbying registrations through the Internet. The next step is to provide the completed lobbyist disclosure reports on the Internet for all Americans to see.

The Internet offers us a unique opportunity to allow the American people to have everyday access to this public information. Our bipartisan legislation would harness the power of the Information Age to allow average citizens to see these public records of the Senate in their official form, in context and without editorial comment. All Americans should have timely access to the information that we already have voted to give them.

And all of these reports are indeed ''public'' for those who can afford to hire a lawyer or lobbyist or who can afford to travel to Washington to come to the Office of Public Records in the Hart Building and read them. That is not very public. That does not do very much for the average voter in Vermont or the rest of this country outside of easy reach of Washington. That does not meet the spirit in which we voted to make these materials public, when we voted ''disclosure'' laws.

We can do better, and this resolution does better. Any citizen in any corner of this country with access to a computer at home or the office or at the public library will be able to get on the Internet and get these important Congressional documents under our resolution. It allows individual citizens to check the facts, to make comparisons, and to make up their own minds.

I commend the Senior Senator from Arizona for his leadership on opening public access to Congressional documents. I share his desire for the American people to have electronic access to many more Congressional resources. I look forward to working with him in the days to let the information age open up the halls of Congress to all our citizens.

As Thomas Jefferson wrote, ''Information is the currency of democracy.'' Our democracy is stronger if all citizens have equal access to at least that type of currency, and that is something which Members on both sides of the aisle can celebrate and join in.

This bipartisan resolution is an important step in informing and empowering American citizens. I urge my colleagues to join us in supporting this legislation to make available useful Congressional information to the American people.

SENATE RESOLUTION 22—URGING THE APPROPRIATE REPRESENTATIVE OF THE UNITED STATES TO THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS TO INTRODUCE AT THE ANNUAL MEETING OF THE COMMISSION A RESOLUTION CALLING UPON THE PEOPLE'S REPUBLIC OF CHINA TO END ITS HUMAN RIGHTS VIOLATIONS IN CHINA AND TIBET, AND FOR OTHER PURPOSES

Mr. HUTCHINSON (for himself, Mr. WELLSTONE, Mr. HELMS, Mr. TORRICELLI, Ms. COLLINS, Mr. DAYTON, Mr. SMITH of New Hampshire, Mr. KYL, Mr. SPECTER, Mr. FEINGOLD, Mr. HARKIN, and Mr. SANTORUM) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 22

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in China and Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China continues to ban and criminalize groups it labels as cults or heretical organizations;

Whereas the Government of the People's Republic of China has repressed unregistered

religious congregations and spiritual movements, including Falun Gong, and persists in persecuting persons on the basis of unauthorized religious activities using such measures as harassment, prolonged detention, physical abuse, incarceration, and closure or destruction of places of worship;

Whereas authorities in the People's Republic of China have continued their efforts to extinguish expressions of protest or criticism, have detained scores of citizens associated with attempts to organize a peaceful opposition, to expose corruption, to preserve their ethnic minority identity, or to use the Internet for the free exchange of ideas, and have sentenced many citizens so detained to harsh prison terms;

Whereas Chinese authorities continue to exert control over religious and cultural institutions in Tibet, abusing human rights through instances of torture, arbitrary arrest, and detention of Tibetans without public trial for peacefully expressing their political or religious views;

Whereas bilateral human rights dialogues between several nations and the People's Republic of China have yet to produce substantial adherence to international norms; and

Whereas the People's Republic of China has signed the International Covenant on Civil and Political Rights, but has yet to take the steps necessary to make the treaty legally binding: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) at the 57th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the appropriate representative of the United States should solicit cosponsorship for a resolution calling upon the Government of the People's Republic of China to end its human rights abuses in China and Tibet, in compliance with its international obligations; and

(2) the United States Government should take the lead in organizing multilateral support to obtain passage by the Commission of such resolution.

Mr. HUTCHINSON. Mr. President, I rise today to submit a resolution, along with my colleague Senator WELLSTONE, calling on the Administration to introduce a resolution at the upcoming meeting of the United Nations (U.N.) Human Rights Commission highlighting China's human rights abuses. This Senate resolution makes a simple statement. The U.S.should lead the effort in Geneva to speak for freedom in China, both by introducing a resolution and by garnering the support of key cosponsors.

Mr. President, in a report issued just two days ago, Amnesty International documented the extensive use of torture in China. According to the report, ''Torture is widespread and systemic, committed in the full range of state institutions, from police stations to 're-education through labour' camps, as well as in people's homes, workplaces, and in public . . . Victims can be anyone from criminal suspects, political dissidents, workers and innocent bystanders to officials.'' The common occurrence of torture points to a wider trend—China's human rights record is appalling. The Chinese government continues to repress any voice it perceives to be a threat to its power—religious groups, democracy activists, people trying to expose corruption, people trying to use the Internet for the free exchange of ideas—anyone who will not bow to the government. I expect that the State Department's annual report on human rights, which will be issued soon, will once again confirm this trend.

The destruction of places of worship is nothing new in China. But in recent months, scores of churches have been destroyed, in what some experts have described as the most destructive crackdown since the Cultural Revolution. Beginning in November, in counties around Wenzhou, over 700 churches have been destroyed. Over two hundred others have either been banned or taken for other purposes. I am disturbed by this worsening campaign against religious believers in China. The Chinese government has also stepped up its campaign against spiritual movements like the Falun Gong and Zhong Gong, not only imprisoning leaders but also sentencing marginal followers to lengthy terms and penalizing family members of practitioners.

Pro-democracy activists, including Xu Wenli, one of the founders of the China Democracy Party, are still languishing in prison for legally and peacefully expressing their views. Huang Qi, a middle class computer user and an Internet webmaster, is on trial for subverting state power simply because he posted information about topics like the democracy movement and the Tiannanmen Square Massacre. He could face ten years in prison. This attempt to control Internet usage should be of great concern to the international community, especially those who have touted the Internet as a revolutionizing force in China.

Mr. President, all of these human rights abuses point to a much needed response—a resolution at the U.N. Human Rights Commission. There is no more appropriate place for highlighting these abuses in a multilateral setting, because this multilateral forum was established just for this purpose. If we do not use this forum for bringing up obvious abuses, then we undercut its very viability. The U.S. has traditionally led the effort on China's human rights abuses. This year should be no different. China is already intensely lobbying other countries to defeat any such resolution. We must begin as soon as possible to obtain support for a resolution.

I understand that the Administration is in the process of deciding whether to advance a resolution at Geneva. I hope that they will look to the Congress and understand that there is broad support for a Geneva resolution. This Administration has the opportunity to set a tone for its approach to China and all of Asia. If the mistake of the Clinton Administration was bowing to China's demands and centering its efforts in Asia around China, then the Bush Administration has the chance to stand firm, to be skeptical of the Chinese government's offers and promises. I urge the Administration not to look at China's offer of ratifying the International Covenant on Economic, Social, and Cultural Rights, as anything an empty promise—a distraction that will quickly fade away once the Commission meeting is over.

Finally, Mr. President, last year when the Senate and Congress as a whole passed PNTR for China, proponents argued that passage of PNTR in no way signified a diminished concern for human rights. I believe that now is the time to demonstrate this continuing concern for human rights. I urge my colleagues to support this resolution.

SENATE RESOLUTION 23—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD AWARD THE PRESIDENTIAL MEDAL OF FREEDOM POSTHUMOUSLY TO DR. BENJAMIN ELIJAH MAYS IN HONOR OF HIS DISTINGUISHED CAREER AS AN EDUCATOR, CIVIL AND HUMAN RIGHTS LEADER, AND PUBLIC THEOLOGIAN

Mr. CLELAND (for himself, Mr. MILLER, and Mr. HOLLINGS) submitted the following resolution; which was referred to the Committee on the Judiciary, as follows:

S. RES. 23

Whereas Dr. Benjamin Elijah Mays, throughout his distinguished career of more than half a century as an educator, civil and human rights leader, and public theologian, has inspired people of all races throughout the world by his persistent commitment to excellence;

Whereas Benjamin Mays persevered, despite the frustrations inherent in segregation, to begin an illustrious career in education;

Whereas as dean of the School of Religion of Howard University and later as President of Morehouse College in Atlanta, Georgia, for 27 years, Benjamin Mays overcame seemingly insurmountable obstacles to offer quality education to all Americans, especially African Americans;

Whereas at the commencement of World War II, when most colleges suffered from a lack of available students and the demise of Morehouse College appeared imminent, Benjamin Mays prevented the college from permanently closing its doors by vigorously recruiting potential students and thereby aiding in the development of future generations of African American leaders;

Whereas Benjamin Mays was instrumental in the elimination of segregated public facilities in Atlanta, Georgia, and promoted the cause of nonviolence through peaceful student protests during a time in this Nation that was often marred by racial violence;

Whereas Benjamin Mays received numerous accolades throughout his career, including 56 honorary degrees from universities across the United States and abroad and the naming of 7 schools and academic buildings and a street in his honor; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the Nation, was established in 1945 to appropriately recognize Americans who have made an especially meritorious contribution to the security or national interests of the United States, world peace, or cultural or other significant public or private endeavors: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian and his many contributions to the improvement of American society and the world.

Mr. CLELAND. Mr. President. I rise today to introduce legislation that would honor Benjamin Elijah Mays for his distinguished career as an educator, civil and human rights leader, and public theologian. Among his many accomplishments, Dr. Benjamin E. Mays earned a master's degree and a doctorate of philosophy from the University of Chicago, served as president of Morehouse College and mentored Martin Luther King, Jr., and received numerous awards and honors during his lifetime. In recognition of his many accomplishments and contributions to the citizens of this nation and the world, I believe the President should award the Presidential Medal of Freedom to the late Benjamin E. Mays.

Dr. Benjamin Elijah Mays' achievements are even more extraordinary given the circumstances and social climate in the United States at the turn of the 20th Century. Dr. Mays, the son of former slaves, encountered prejudice and obstacles at every stage of his early education and pursued his dream of a college education despite hostile, and sometimes violent, opposition. Although he faced the frustrations inherent in segregation, Dr. Mays finished high school at South Carolina State College in three years and graduated as class valedictorian. Based on his will to learn, his motivation to succeed, and his strong strength of character, Dr. Mays then went on to graduate from Bates College in Maine and received his graduate degrees from the University of Chicago.

As dean of the School of Religion at Howard University and later as President of Morehouse College in Atlanta, Georgia for 27 years, Benjamin Mays overcame seemingly insurmountable obstacles to offer quality education to all Americans, especially African-Americans. One of Dr. Mays' own inspirations was Mahatma Gandhi, whom he met in Mysore, India for 90 minutes and who shaped Mays' views on nonviolence as a means of political protest. Dr. Mays greatly influenced his students and, one in particular, Martin Luther King, Jr. sought the advice and counsel of his mentor before and during the civil rights movement. Dr. Mays was instrumental in the elimination of segregated public facilities in Atlanta and promoted the cause of nonviolence through peaceful student protests during a time in this nation that was often marred by racial violence. Another student from Morehouse, Ira Joe Johnson, published a book about Dr. Mays' scholarship program for African-American medical students in the early 1940s.

Dr. Mays once said that ''[e]very man and woman is born into the world to do something unique and something distinctive and if he or she does not do it, it will never be done.'' This nation owes a great debt to the late Dr. Benjamin E. Mays and it is certainly appropriate and timely to honor his achievements and his contributions to the citizens of the United States and the world by awarding him a Presidential Medal of Freedom.

Mr. HOLLINGS. Mr. President, I rise today to bring the country's attention to one of its most gifted educators, civil rights leaders and theologians, the late Dr. Benjamin Elijah Mays, and to again encourage the President to award Dr. Mays a Presidential Medal of Freedom. Dr. Mays lived an extraordinary life that began in a very unextraordinary setting. The son of slaves, Dr. Mays grew up in the rural community of Epworth, South Carolina where poverty and racism were everyday realities and the church was sometimes the only solace to be found. Yet, as the title of Dr. Mays' autobiography, ''Born to Rebel'' reveals, he was never satisfied with the status quo and looked to education as the key to his own success, and later the key to sweeping social change.

After working his way through South Carolina College, Bates College and a doctoral program at the University of Chicago, Dr. Mays worked as a teacher, an urban league representative and later dean of the School of Religion at Howard University here in Washington. Then, in 1940, he took the reins at Morehouse College and—to borrow a phrase—the rest was history. As President of Morehouse, Dr. Mays took an ailing institution and transformed it into one of America's most vital academic centers and an epicenter for the growing civil rights movement. He was instrumental in the elimination of segregated public facilities in Atlanta and promoted the cause of nonviolence through peaceful student protests in a time often marred by racial violence. Dr. Martin Luther King, Jr. and other influential 20th century leaders considered Dr. Mays a mentor and scores of colleges and universities—from Harvard University to Lander University in South Carolina—have acknowledged his impressive achievements by awarding him an honorary degree.

After retiring from Morehouse after 27 years, Dr. Mays did not fade from the spotlight—far from it. He served as president of the Atlanta Board of Education for 12 years, ensuring that new generations of children received the same quality education he had fought so hard to obtain back in turn-of-the-century South Carolina. Dr. Mays said it best in his autobiography: ''Foremost in my life has been my honest endeavors to find the truth and proclaim it.'' Now is the time for us to proclaim Dr. Benjamin Mays one of our nation's most distinguished citizens by awarding him a posthumous Presidential Medal of Freedom.

SENATE RESOLUTION 24—HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS.

Mr. SANTORUM (for himself, Mr. HUTCHINSON, Mr. DOMENICI, Mr. VOINOVICH, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions, as follows:

S. RES. 24

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 1999–2000 academic year was 2,653,038, the total number of Catholic schools is 8,144, and the student-teacher ratio is 17 to 1;

Whereas Catholic schools provide more than $17,200,000,000 a year in savings to the Nation based on the average public school per pupil cost;

Whereas Catholic schools teach a diverse group of students and over 24 percent of school children enrolled in Catholic schools are minorities;

Whereas the graduation rate of Catholic school students is 95 percent, only 3 percent of Catholic high school students drop out of school, and 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of Catholic Schools Week, an event sponsored by the National Catholic Educational Association and the United States Catholic Conference and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 14, 2001, at 11 a.m., in closed session to receive a briefing from the navy on the submarine accident near Hawaii.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 14, 2001, to conduct a hearing on ''Establishing an Effective, Modern Framework for Export Controls.''

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 14, 2001, to conduct a hearing on ''Saving Investors Money and Strengthening the SEC.''

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

COMMITTEE ON FINANCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 14, 2001, to hear testimony regarding Education Tax and Savings Incentives.

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

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, February 14, 2001 at 10 a.m. in SD226.

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

SUBCOMMITTEE ON COMMUNICATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 14, 2001, at 9:30 a.m. on ICANN Governance.

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

PRESIDENTIAL VISIT TO MEXICO

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 13 that I submitted earlier.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) expressing the sense of Congress with respect to the upcoming trip of President George W. Bush to Mexico to meet with newly elected President Vicente Fox, and with respect to future cooperative efforts between the United States and Mexico.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DEWINE. Mr. President, we are facing a unique time in the history of U.S.-Mexico relations. Mexico's election and inauguration last year of an opposition candidate as president—Vicente Fox Quesada—has overturned 71 years of executive branch domination by the Institutional Revolutionary Party, PRI. And now, with the inauguration of our new president—George W. Bush—both nations have the unprecedented opportunity to implement positive changes and create lasting progress for our entire Western Hemisphere.

Because of Mexico's critical importance to our nation and hemisphere, it is not at all surprising that President Bush has chosen to travel to Mexico for his first official foreign trip as President. It is with that in mind that I am introducing a resolution today, along with Senators HELMS, LOTT, DODD, MCCAIN, LANDRIEU, GRASSLEY, BREAUX, CHAFEE, VOINOVICH, and LEAHY to express our bipartisan interest in America's current relationship with Mexico and to suggest several issues of particular importance that President Bush should raise during his upcoming meeting with President Fox.

Our resolution acknowledges the vital nature of our relationship with Mexico and calls for policies that promote cooperation, enhance the security and prosperity of both nations, and enable both countries to establish mutually agreed-upon goals in at least four areas: one, economic development and trade; two, the environment; three, immigration; and, four, law enforcement and counter-drug policy.

In each of these areas, both countries should pursue realistic and practical steps that will build confidence in our partnership and help set the stage for future discussions and future progress.

No one can deny the importance of our involvement with Mexico—a nation with which we share over 2,000 miles of common borders. Additionally, over 21.4 million Americans living in this country are of Mexican heritage—that's 67 percent of our total U.S. Latino population. Indeed, many people and many issues bind our nations togther. And, it is in both nations' interest to make that bond even stronger.

That is why we want to see President Fox succeed. And, he is off to a good start. For the first time in two decades, economic crisis has not marred Mexico's transition period in between presidencies. Instead, President Fox's election has been received as a positive step in Mexico's maturing economy and has fueled new investment in the country, raising expectations for better economic opportunities for the Mexican people.

President Fox's election also has raised expectations here in Washington for better opportunities to improve U.S.-Mexico bilateral cooperation on a wide range of issues. An advocate of free trade in the Americas, President Fox currently recognizes that a strong, steady economy in Mexico can be the foundation to help solve many of our shared challenges, such as immigration, environmental quality, violent crime, and drug trafficking.

Furthermore, thanks to the economic cooperation spearheaded by the North American Free Trade Agreement (NAFTA), trade between the United States and Mexico amounts to $200 billion annually, making our neighbor to the south our second largest trading partner behind Canada. Over the last decade, U.S. exports to Mexico have increased by 207 percent. In 1999, alone, the United States exported $86.9 billion to Mexico—that is more than we exported to France, Germany, and the United Kingdom combined: $84.1 billion!

Overall progress in our partnership cannot occur, though, absent continued progress in Mexico's economy. Although Mexico is in its fifth consecutive year of recovery following the 1994–1995 peso crisis, improved living standards and economic opportunities have not been felt nationwide. Lack of jobs and depressed wages are particularly acute in the interior of the country, even in President Fox's home state of Guanajuato. As long as enormous disparities in wages and living conditions exist between the United States and Mexico, our own nation will not fully realize the potential of Mexico as an export market nor will we be able to deal adequately with the resulting problems of illegal immigration, border crime, and drug trafficking.

In keeping with the market-oriented approach we began with NAFTA, the United States can take a number of constructive steps to continue economic progress in Mexico and secure its support for a Free Trade Agreement with the Americas:

First, we can encourage growth and development by devising, for example, a common strategy to improve the flow of credit and U.S. investment opportunities in Mexico and by increasing

funding for entrepreneurial efforts of all sizes, such as microcredit and microenterprise programs and Overseas Private Investment Corporation (OPIC) projects. OPIC—a loan program that assists U.S. small business investments in foreign countries—is already developing a limited small business financing program to support U.S. investments in environmentally sound projects in Mexico. We should work to expand the availability of this kind of investment assistance.

Second, we should expand the mandate of the North American Development Bank (NADbank) beyond the U.S.–Mexico border region—an idea proposed by Congressman DAVID DREIER and M. Delal Baer, an expert in Latin American affairs for the Center for Strategic and International Studies. The NADbank has been a successful source of private-public financing of infrastructure projects along our borders. Extending its authority inland will not only bring good jobs into the interior of Mexico, but also would develop and further nationalize a transportation and economic infrastructure.

Continued investments in NADBank also would facilitate greater environmental cooperation between the United States and Mexico through projects geared toward advancing the environmental goals and objectives set forth in NAFTA and would enhance the overall protection of American and Mexican natural resources.

Third, both nations need to pursue a joint immigration policy that takes into account the realities of the economic conditions of both countries. At a minimum, the Bush Administration should re-evaluate the current guest worker program, which has proven burdensome for U.S. farmers and small businesses. Any calls for a liberalization of this program from President Fox should be linked to concrete programs to reduce illegal immigration into the United States.

Fourth, in a quick and simple fix, the Bush Administration should eliminate the annual cap on the number of visas issued to Mexican business executives to enter the United States. Currently, the cap stands at 5,500 and will be phased out by 2004. The United States does not have such a cap for Canada. Repealing the cap now would send to President Fox and the people of Mexico a positive signal about their nation's value as an economic partner.

Fifth and finally, it is important for the United States to be seen as a partner and resource when President Fox undertakes his pledge to reform Mexico's entire judicial system. With a law enforcement system plagued with inherent corruption and institutional and financial deterioration, President Fox will face numerous challenges. It is in our interest to help him upon his request, whether it be through financial or technical assistance. It is in our own interest that he succeed, because our country cannot reverse effectively the flow of drugs across our border without the full cooperation and support of Mexican law enforcement. Additionally, the Bush Administration should explore possible multilateral anti-drug mechanisms and work with President Fox to decentralize standard day-to-day border functions of the hardworking and trusted law enforcement officials from both countries.

The issues that impact the United States and Mexico are numerous—all important, each interrelated with the other. Together, they present an enormous task for the presidents of both countries. Perhaps most important, they are evidence of the enormous importance of Mexico to the future prosperity and security of our country, as well as our hemisphere. The elections of Vicente Fox and George W. Bush present one of the best opportunities not only to redefine U.S.-Mexico relations for the better, but to bring all of Latin America to the top of the Administration's foreign policy agenda.

We cannot underestimate, nor can we neglect our neighbors to the south. President Bush knows this. He understands this. And, in a speech last August in Miami, I think he, himself, best described our relationship with Latin America, when he said:

> Those who ignore Latin America do not fully understand America, itself. . . . Our future cannot be separated from the future of Latin America. . . . We seek, not just good neighbors, but strong partners. We seek, not just progress, but shared prosperity. With persistence and courage, we shaped the last century into an American century. With leadership and commitment, this can be the century of the Americas.

I couldn't agree more.

At this point, I ask unanimous consent that the resolution before the Senate be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 13) was agreed to.

The preamble was agreed to.

(The resolution is printed in today's RECORD under ''Submission of Concurrent and Senate Resolution.'')

ORGAN DONATION AND SUPPORTING NATIONAL DONOR DAY

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 12, submitted earlier today by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 12) expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation, and supporting National Donor Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DEWINE. Mr. President, let me take a moment, if I may, to speak on behalf of this resolution.

Every day in this country we lose people because we do not have enough donated organs, and we do not have enough people who understand this problem. I applaud my colleague for introducing this resolution and join with him and the other cosponsors in asking for its passage.

Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and any statement relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 12) was agreed to.

The preamble was agreed to.

(The concurrent resolution is printed in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

MEASURE READ THE FIRST TIME—S. 328

Mr. DEWINE. Mr. President, I understand that S. 328 is at the desk, and I ask for its first reading.

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

The assistant legislative clerk read as follows:

> A bill (S. 328) to amend the Coastal Zone Management Act.

Mr. DEWINE. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will be read a second time on the next legislative day.

PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 28, regarding an address to Congress by the President of the United States. Further, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 28) was agreed to.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 32, the adjournment resolution, which is at the desk. I further ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 32) was agreed to.

ORDERS FOR THURSDAY, FEBRUARY 15, 2001

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on February 15. I further ask unanimous consent that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for morning business until 1 p.m., with Senators speaking for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, in control of the time between 10 a.m. and 11 a.m., with 10 minutes under the control of Senator CLINTON, 15 minutes under the control of Senator DORGAN, and 20 minutes under the control of Senator CARNAHAN; Senator KYL, or his designee, controlling the time between 11 a.m. and 11:30 a.m.; Senator THOMAS, or his designee, in control of the time between 11:30 a.m. and 12 noon; Senator COLLINS, or her designee, in control of 15 minutes; Senator LOTT, or his designee, in control of 15 minutes; Senator DASCHLE, or his designee, in control of 30 minutes.

Mr. REID. Mr. President, I ask that the closing script be modified to provide that if either leader uses his leader time, morning business for the affected party or parties be extended accordingly. It is not usual that the leaders do use their time, but when either one of them does, if we have morning business set aside, it cuts down the other side's ability to have morning business. This is fair. I do not see any problem with it.

Mr. DEWINE. Mr. President, our side certainly has no objection to this. I ask unanimous consent that my unanimous consent request be modified to reflect the request of the Senator from Nevada.

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

PROGRAM

Mr. DEWINE. Mr. President, tomorrow the Senate will be in session beginning at 10 a.m. Following morning business at 1 p.m., the Senate can be expected to consider the bill honoring our former colleague, Senator Coverdell, and also the Senate could consider a resolution relative to the energy crisis occurring on the west coast and could also consider the nominee to head the Federal Emergency Management Agency. Therefore, votes can be expected to occur.

ORDER FOR ADJOURNMENT

Mr. DEWINE. Mr. President, on behalf of the majority leader, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator BROWNBACK.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECONCILIATION AND VALENTINE'S DAY

Mr. BROWNBACK. Mr. President, I want to speak for a few minutes on a bill that I am going to be putting forward shortly and then tie it in to this day. It is Valentine's Day. I hope everybody has called their special person. I hope they have called their mother. I hope they have called the people to whom they think they ought to reach out. If they have not done so, there is still time. There is special delivery of flowers, candy, and others things that can be done. They can still capture the day and the moment for the people to whom they should be reaching out.

I want to talk about a national day of reconciliation. This is an effort by both Houses to identify what needs to be done to reconcile the Nation and past and present problems.

We are at the beginning of a new administration and at the beginning of a new millennium. This would be a good time to do this.

It is a simple proposition, a basic proposition of what we need to do to identify—something we should have done—and correct past wrongs. I am hoping we can identify and move that forward without difficulty and controversy. It will be a very healthy exercise.

It is also healthy to recognize the basis of some of these days we celebrate. That is why I put forward this notion of reconciliation on Valentine's Day. It is a lot more than just hearts, cards, and candy.

I commend to the Senate an article written by Mark Merrill in the Washington Times today. He is president of Family First, an independent, nonprofit research group that strengthens families. He supports the story of Valentine, the true Valentine. I understand there are three St. Valentines. All three were martyred. All three were tremendously dedicated to other individuals and to helping them.

The one he identifies is the first Valentine. It is quite a story. I ask unanimous consent to print this article in the RECORD.

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

[From the Washington Times, Feb. 14, 2001]

SACRIFICIAL LOVE—ST. VALENTINE'S CONTRIBUTION TO LOVE AND COMMITMENT

(By Mark W. Merrill)

Do you know the real story behind Valentine's Day? It goes way beyond hearts, cards and candy. It is a story of love, sacrifice and commitment.

In the third century, the Roman Empire was ruled by Claudius Gothicus. He was nicknamed ''Claudius the Cruel'' because of his harsh leadership and his tendency for getting into wars. In fact, he was in so many wars that he was having a difficult time recruiting soldiers.

Claudius believed that recruitment for the army was down because Roman men did not want to leave their loves or families behind, so he canceled all marriages and engagements in Rome. Thousands of couples saw their hopes of matrimony dashed by the single act of a tyrant.

But a simple Christian priest named Valentine came forward and stood up for love. He began to secretly marry soldiers before they went off to war, despite the emperor's orders. In 269 AD, Emperor Claudius found out about the secret ceremonies. He had Valentine thrown into prison and ordered him put to death.

He gave his life so that couples could be bonded together in holy matrimony. They may have killed the man, but not his spirit. Even centuries after his death, the story of Valentine's self-sacrificing commitment to love was legendary in Rome. Eventually, he was granted sainthood and the Catholic church decided to create a feast in his honor. They picked Feb. 14 because of the ancient belief that birds (particularly lovebirds and doves) began to mate on that very day.

So what are you doing to keep the love in your marriage? While gifts, candlelight dinners and sweet words are nice, the true spirit of Valentine's Day needs to last year-round.

Here are some ways to bring more love into your marriage:

Schedule priority time together. Pull out your calendars and set a date night every week or two—just to spend time together and talk. (Note: Movies don't count)

Laugh together. When was the last time you shared a funny story and chuckled with each other? Loosen up and laugh freely. Live lightheartedly.

Play together. Find a hobby or activity you both enjoy—fishing, bowling, tennis, hiking, biking or crossword puzzles.

Be romantic together. Send your spouse a note of encouragement in the mail every once in awhile just to say, ''I love you.''

However, you choose to express yourself, do it in the spirit of the selfless Saint Valentine—who not only took a stand for love—he gave his life for it.

Mr. BROWNBACK. I will read portions of the article because it is so instructive about what Valentine's Day is about.

In the 3rd century, the Roman Empire was ruled by Claudius Gothicus. He was nicknamed ''Claudius the Cruel''—

That is a pretty auspicious name for an emperor—

because of his harsh leadership and tendency for getting into wars. In fact, he was in so many wars he was having a difficult time recruiting soldiers.

Claudius believed that recruitment for the Army was down because Roman men did not want to leave their loves or their families behind. . . .

So what do you do if you are emperor and cannot get people to sign up? He banned the institution of marriage and said there was not going to be marriage allowed anymore.

Thousands of couples saw their hopes for matrimony dashed by the single act of a tyrant.

But a simple Christian priest named Valentine came forward and stood up for love. He began to secretly marry soldiers before they went off to war, despite the emperor's orders. In 269 AD, Emperor Claudius found out about the secret ceremonies. He had Valentine thrown into prison and ordered him put to death.

He gave his life so couples could be bonded together in holy matrimony. They may have killed the man, but not his spirit. Even centuries after his death, the story of Valentine's self-sacrificing commitment to love was legendary in Rome. Eventually, he was granted sainthood and the Catholic church decided to create a feast in his honor. They picked February 14 because of the ancient belief that birds (particularly lovebirds and doves) began to mate on that very day.

I think it is interesting to look back into the history of why it is we celebrate certain days and when we celebrate them. There is usually a beautiful story, this tapestry of something of beauty in our heritage that I always think of in redigging that well and seeing what is there.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 10 a.m., Thursday, February 15, 2001.

Thereupon, the Senate, at 5:02 p.m, adjourned until Thursday, February 15, 2001, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 14, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 14, 2001.

I hereby appoint the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord, the psalmist cannot find enough words to express trust in You.

Personal experience of Your presence, care, and abiding guidance gives rise to his song: ''O Lord, my rock, my fortress, my deliverer. My God, my rock of refuge, my shield, the fullness of my salvation, my stronghold.''

Stir in our hearts today Your holy spirit. Touch the soul of this Nation that we may see Your saving work in our work, Your strength behind our weakness, Your purpose in our efforts at laws of justice, Your peace drawing all of us and the whole world to lasting freedom.

You are ever faithful, O Lord, worthy of all of our trust, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PASCRELL 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.

FEBRUARY IS AMERICAN HEART MONTH

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

Mr. FOLEY. Madam Speaker, February is American Heart Month as designated by Congress in 1963. I want to thank my colleagues for taking time to come to the floor today to draw attention to the impact that heart disease and stroke have on our own society.

Perhaps in no other instance is a quick reaction more important to saving lives than during heart attacks. There is an important chain of survival which, when followed, can make an impact on the devastating effect of America's number one killer, heart disease.

The first step is preparation, understanding; and reacting quickly to cardiac events saves lives. Knowing the warning signs of heart attack and being ready to react can save precious moments. Warning signs include: uncomfortable pressure, fullness or pain in the center of the chest lasting more than a few minutes; pain spreading to the shoulders or neck; nausea, sweating or shortness of breath.

The third step is calling 911. The earlier emergency medical personnel can begin resuscitation, the better chance of survival.

Finally, learn CPR. It is important that we maintain this life-saving skill throughout our lives. One never knows when one will be in the situation to implement the chain of survival. The more of us that know it, the more lives that can be saved.

CHILDPROOF HANDGUN ACT

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

Mr. PASCRELL. Madam Speaker, children are killing children by gunfire. These deaths are occurring in homes and streets and in schools. The failure of Congress in recent years to shoulder the ultimate responsibilities of safeguarding our communities from gun violence is inexcusable. It is time to get past the rhetoric by the extremes on both sides of the gun control issue and pass sensible anti-gun violence legislation.

Today I will introduce in the House of Representatives the Childproof Handgun Act. This legislation requires that gun manufacturers develop personalized guns within the next 5 years. This technology would guarantee that only authorized users could operate the weapon. This is not something out of science fiction. A prototype exists that can read and recognize the gun owner's fingerprint allowing only the owner to fire the gun. This will keep weapons out of the hands of children and criminals.

The Federal Government sets standards for child safety cigarette lighters and insists that children riding in cars be buckled in approved car seats, and it demands that manufacturers put childproof caps on aspirin containers. For guns, we have nothing.

RECOGNIZING AMERICAN HEART MONTH

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

Mr. GIBBONS. Madam Speaker, in 1963 Congress designated February as American Heart Month; and today is Valentine's Day, a day not only about flowers and candy, but also about love and family. It is fitting that we recognize and congratulate the efforts of the American Heart Association and other organizations to reduce the enormous burdens, physical, emotional and economic, that heart disease places on American families.

The fact is that an American dies from cardiovascular disease every 33 seconds killing 1 million Americans annually, about 41 percent of all deaths in the United States. Every American, young or old, male or female, is at risk.

Madam Speaker, today I encourage every American to learn the signs of cardiac arrest and the causes of cardiac disease. Together we can reduce the burden of cardiac disease and its imposition on our families so that everyone can celebrate not only this day as Valentine's Day but many more in the future.

CHARACTER EDUCATION

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

Mr. CLEMENT. Madam Speaker, later today I will be introducing with the gentleman from Texas (Mr. SMITH) the Character Learning and Student Success Act. Society is growing increasingly concerned about the steady decline of our Nation's core ethical values, especially in our children.

There exists in Tennessee and across the country successful character education programs that have improved

school climate, reduced disruptive behavior and resulted in higher performing schools. However, no organization exists that can track these success stories, help schools identify their particular needs, and implement effective character education programs. That is why we are introducing the CLASS Act. This bill would establish a national center for character education that would provide the most up-to-date information about effective character education programs and aid schools in developing their own programs.

Character education is becoming a national priority in the education reform debate. We want all of our children to be responsible, upstanding members of society. I believe that this legislation will help schools create environments where such values are fostered.

Madam Speaker, I encourage my colleagues to join us in cosponsoring this bill.

RECOGNIZING AMERICAN HEART MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, today is Valentine's Day; and as we take the time to shower our loved ones with chocolates, flowers and poems, I ask that we share the most important gift of all, the gift of life. Heart disease kills nearly 1 million Americans every year and is responsible for over 40 percent of the deaths in our country. Every 33 seconds, an American dies from cardiovascular disease.

This February marks American Heart Month; and unfortunately, too many Americans are not prepared to deal with cardiac emergencies. But by becoming familiar with these serious symptoms, it can mean the difference between life and death. Symptoms such as uncomfortable pressure, fullness, squeezing or pain in the center of the chest lasting for more than a few minutes, pain spreading to the shoulders, arms or neck, and chest discomfort with light-headedness, faintness, sweating nausea, or shortness of breath.

Madam Speaker, this Valentine's Day I ask my colleagues to raise awareness on these matters of the heart. It is just one way in which we can eliminate our Nation's number one killer.

MONICA, MARC RICH AND A PHONY FINE

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

Mr. TRAFICANT. First there was Monica. While Congress investigated cigars and pantyhose, China was spying and buying America. Now it is Marc Rich. True, Rich does not deserve a pardon. But once again two big pardons in the form of plea bargains have been overlooked, namely, John Huang and James Riady, two crooks that illegally funneled cash to the Democrat National Committee and to investigate them now would be double jeopardy. Beam me up.

What are we coming to, Congress? This was not only slick, this is sick; and America may someday die because of it.

I yield back a phony $8 million fine for James Riady that will be paid for by Chinese Communists who are taking $100 billion a year in trade surplus out of America's economy.

COMMENDING FOREIGN SERVICE WORKERS

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

Mr. PITTS. Madam Speaker, I rise today to commend the numerous foreign service officers working in our embassies around the world and at the State Department. I have had the pleasure of working with many of these people here in Washington and at our embassies abroad. The tremendous dedication these men and women bring to their work representing our Nation abroad and our principles is an inspiration and an encouragement to all of us. Their work with NGOs is especially appreciated.

The Ambassadors in Thailand, Egypt, Pakistan, and Indonesia, Ambassadors Hecklinger, Kurtzer, Milam, and Gelbard, have lent their expertise and assistance on various issues and projects. In addition, the work of Jeffrey Rock, Lowry Taylor, David Donahue, Sheldon Rapoport, Susan Keogh, John Bradshaw, Susan Sutton, Angie Bryant, and others has been invaluable.

Madam Speaker, I commend these individuals for their important and tireless work on behalf of our Nation and the principles on which our Nation stands.

NATIONAL CENTER FOR SOCIAL WORK RESEARCH ACT

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute.)

Mr. RODRIGUEZ. Madam Speaker, today the gentleman from Arkansas (Mr. HUTCHINSON) and I will reintroduce the National Center for Social Work Research Act which would establish a center within the National Institutes of Health. As a former social worker, I believe that this center would be a tremendous resource not only to Congress and policymakers but also to service providers throughout this country. Social workers are in a unique position to offer insight and recommendations on how to address both individual and community societal problems. They are on the front line working with individuals on a day-to-day basis on issues ranging from access to health care, mental health, child abuse, and family reconciliation.

The establishment of the National Center for Social Work Research would provide us with interdisciplinary, family-centered, and community-based social work research that is needed and designed to help us not only in terms of policy but also in terms of service for our service providers. I ask my colleagues to support this effort, the National Center for Social Work Research.

INTRODUCTION OF CHARACTER LEARNING AND STUDENT SUCCESS (CLASS) ACT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Madam Speaker, Americans are concerned about the decline in our Nation's values, particularly among our children. Parents should be the primary developers of character, but educators play an increasingly important role. Many school districts have included character education in their curriculum. Others have not but would like to do so. Schools need an organization that exists to help them identify their particular needs and implement effective character education programs.

The gentleman from Tennessee (Mr. CLEMENT) and I are introducing the Character Learning and Student Success Act. This legislation provides a grant to develop initiatives and disseminate up-to-date resource information about character education. It also funds a study that will examine whether or not character education programs are effective and sustainable.

Madam Speaker, character education not only cultivates minds, it nurtures hearts. I ask my colleagues to please join us in cosponsoring this bill.

AMERICAN HEART MONTH

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Madam Speaker, on this day devoted to matters of the heart, I remind my colleagues that February is American Heart Month. We recognize the millions of Americans today struggling with heart disease and recommit ourselves to helping them. And we acknowledge the efforts of organizations like the American Heart Association which help all of us prevent and treat heart disease.

The theme for Heart Month is ''be prepared for cardiac emergencies.''

Each year more than 1 million Americans will suffer a heart attack. Too many of us are not even aware of the warning signs. And too many of us do not know what to do to help someone who has suffered a heart attack.

To that end, today I will reintroduce legislation, the Teaching Children to Save Lives Act, to encourage training in the classroom. This legislation will teach our children about the dangers of heart disease, how to prevent it, and how to respond in a cardiac emergency.

□ 1015

So I urge my colleagues to support this and other efforts to address the scourge of heart disease.

FEBRUARY, AMERICAN HEART MONTH

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

Mrs. MORELLA. Madam Speaker, as has been mentioned, this is Valentine's Day, and it has been designated as American Heart Month.

As a member of the Congressional Heart and Stroke Coalition, I and others of my colleagues will continue to work to increase funding for the National Institutes of Health. I am pleased that for the past 2 years we have seen annual increases of 15 percent for NIH. The previous 2 years' funding increases for the NIH has translated into increases for the Institute of Neurological Disorders and Stroke of $138 million over fiscal year 1999, for a total of $1.148 billion for the current fiscal year.

Eighty-one percent of Americans support increased Federal funding for heart research, and 78 percent support increased Federal funding for stroke research. Heart disease, stroke and other cardiovascular diseases remain this country's number one killer, causing nearly 960,000 deaths every year, and are a leading cause of long-term disability.

Cardiovascular disease has claimed more lives than the next seven leading causes of death combined. One in five Americans suffers from cardiovascular diseases. Heart disease is the number one killer in Maryland, stroke is the number three killer in Maryland, and this reflects the Nation.

Let us resolve on this Valentine's Day to remember what American Heart Month is about, to preserve the health of our loved ones.

RECOGNIZING FEBRUARY AS AMERICAN HEART MONTH

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

Ms. CARSON of Indiana. Madam Speaker, today we recognize February as American Heart Month. I salute the American Heart Association and other noteworthy organizations' ongoing efforts to eliminate heart disease, which affects millions of Americans every year.

Cardiovascular diseases are the number one killer of women and men. These diseases currently claim the lives of more than half a million females every year.

The American Heart Association estimates that one in two women will eventually die of heart disease or stroke. African American women face a four times higher risk of dying before the age of 60.

Although cardiovascular disease is the leading cause of death among American women, studies show that women still do not recognize their risk, are unaware that their symptoms are different from men's, are less likely to seek treatment when faced with these symptoms, and are less likely than men to be referred for diagnostic testing and treatment by their physicians.

What does this say about our Federal health care system? It has not done enough to address women's healthcare needs.

I applaud the work that the Congress has done. It successfully passed legislation dealing with cardiovascular disease and stroke, but I would urge the 107th Congress to do more in the fight for heart disease research and funding and to ensure adequate health care access for all of our citizens.

RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 2001

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 36 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 36

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 36 is an open rule providing for the consideration of H.R. 554, a bill to establish a program coordinated by the National Transportation Safety Board, to offer assistance to the families of passengers involved in rail passenger accidents.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking member of the Committee on Transportation and Infrastructure. The rule also provides that the bill shall be open for amendment by section at any point and authorizes the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides for one motion to recommit, with or without instruction.

Madam Speaker, I rise in strong support of the bill before us, H.R. 554, the Rail Passenger Disaster Family Assistance Act. This bill is substantially identical to legislation with the same name passed by voice vote in the 106th Congress on October 4, 1999. Unfortunately, that legislation was never taken up by the Senate before the adjournment of the 106th Congress.

Congress addressed a similar issue in 1996 by passing the Aviation Disaster Family Assistance Act of 1996. In response to the Value Jet and TWA 800 tragedies, Congress approved this measure to coordinate and distribute information to family members in an efficient and sensitive manner.

The next logical step for Congress to take is to extend the same service to families of victims of railroad disasters. The nature of tragedies is that they occur suddenly and without warning. The manner in which these situations are handled in the immediate hours and days following the incident are critical. Providing information quickly and accurately not only saves lives, but offers assurances to family members and loved ones.

In fact, just last week, on Monday, February 5, 2001, an Amtrak train caring 98 passengers collided with a lumber freight train in my home State of

New York. Fortunately the accident was not fatal, but there were sent to area hospitals several who were affected by the railroad incident due to serious injuries.

This is a poignant example of the need to synchronize search and rescue efforts with the dissemination of information to family members in the face of catastrophe.

This legislation establishes points of contact both within the National Transportation Safety Board and from an independent nonprofit organization in order to coordinate emotional care and support to family members, directly addressing the need to keep families informed.

Madam Speaker, I would like to commend the chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for their hard work on this measure.

I would also like to recognize the efforts of my colleague and western New York neighbor, the gentleman from New York (Mr. QUINN), the newly appointed chairman of the Subcommittee on Railroads.

Madam Speaker, I urge my colleagues to support this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for yielding me the customary 30 minutes.

Madam Speaker, I rise in support of this open rule. The underlying bill is noncontroversial and was passed under suspension of the rules last Congress by a voice vote.

The measure is intended to deal with the tragedy of rail accidents involving substantial on-board casualties. The key features of H.R. 554 include procedures to assure timely and sensitive handling of information needed by accident victims and their families. This information is coordinated among the National Transportation Safety Board, the rail passenger carrier, and a designated nonprofit charitable organization. The designated organization is in charge of providing necessary counseling services, ensuring a private venue for families to grieve, and assisting families in a variety of matters, including a possible memorial service.

The legislation also protects the victims and their families against unsolicited and intrusive contacts by attorneys in the immediate post-accident environment, when the families may be in shock and not emotionally capable of making sound decisions about possible legal redress. Moreover, the bill also ensures orderly preparedness by rail carriers for accidents by requiring comprehensive plans to be in place governing each carrier's procedures for handling post-accident information and family assistance.

Madam Speaker, again, I know of no controversy surrounding this measure.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Madam Speaker, just in closing, today is a special day for my good friend, the gentleman from New York (Mr. QUINN), as he now chairs the Subcommittee on Railroads. I know how proud his mother and father are, as his father Jack, Sr., was a career railroader in the Buffalo area. So today I look forward to seeing the gentleman from New York (Mr. QUINN) bring this bill on as his first as a subcommittee chairman.

Mr. REYNOLDS. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to House Resolution 36 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 554.

□ 1027

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. QUINN) and the gentleman from Tennessee (Mr. CLEMENT) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. QUINN).

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

Madam Chairman, before I rise in support of our bill this morning, I would like to welcome the gentleman from Tennessee (Mr. CLEMENT) as my partner on the new Subcommittee on Railroads. As I think almost everyone in the House realizes this year, the Committee on Transportation and Infrastructure added a separate Subcommittee on Railroads.

The gentleman from Tennessee (Mr. CLEMENT) and I have been friends for quite some time on the full committee; and I am delighted to join with him this next term, the next couple of years, to bring legislation to the floor.

While we are not able to do commercial breaks here, I would like to offer to Mr. CLEMENT a copy of Stephen Ambrose's book entitled ''Nothing Like It in the World,'' which talks about the men and the women who built the Transcontinental Railroad between 1863 and 1869, as a reference tool.

□ 1030

Having been an English teacher, I say to the gentleman, there will not be any quiz, but I have my own copy of this. As we work our way through those difficult, difficult subcommittee hearings of ours, we will find some time to remember why we do the work we do when we see how the people did it for us some century-and-a-half ago.

Mr. CLEMENT. Madam Chairman, will the gentleman yield?

Mr. QUINN. I yield to the gentleman from Tennessee.

Mr. CLEMENT. Madam Chairman, I thank the gentleman very much for his gift.

Mr. QUINN. Madam Chairman, I rise in support of the Rail Passenger Disaster Family Assistance Act, a commonsense bipartisan bill to address a gap in our current transportation laws.

The bill is substantially identical to H.R. 2681 approved by the Committee on Transportation and Infrastructure in the full House, I might add, in our last 106th Congress, but never acted upon by the other body in the Senate.

I am pleased that this is the first piece of legislation from our committee under our new chairman, the gentleman from Alaska (Mr. YOUNG). As chairman of the newly formed Subcommittee on Railroads, I strongly support the bill, and urge our colleagues to do the same.

Members may recall that several years ago after some terrible, terrible incidents, most notably the 1996 ValuJet and TWA crashes, the families of crash victims were poorly treated by the carriers, the media, and by some lawyers.

The Congress responded by enacting an aviation law that placed the National Transportation Safety Board and suitable private charitable organizations in charge of coordinating efforts to protect the privacy of crash victims' families, and to assure that they receive the most current information possible from the carrier.

The law has been quite successful in improving the situation for crash victims' families. Since its enactment, it has been updated and expanded in 1997, and again in 1999.

Today, H.R. 554, this bill that the gentleman from Tennessee and I bring to the floor, is virtually a clone of that

aviation law, but it is applied to rail passenger service, both intercity and high-speed rail.

Although Amtrak is currently the principal provider of intercity rail passenger service, a number of States are considering forming compacts to support their own bid for rail passenger services.

We understand that, Madam Chairman, necessarily this bill cannot track the aviation statute exactly. We understand that. For example, some passenger trains with unreserved open boarding situations will not have a definite passenger manifest sheet comparable to an airline passenger list. Generally, however, this bill follows the aviation model.

The National Transportation Safety Board is given the authority to invoke the procedures of the bill, including designating the NTSB Director of Family Support Services for the accident as a point of contact for all the families, and to act as liaison between the families and the passenger carrier.

The NTSB has also authorized a designated independent charitable organization, for example, the American Red Cross, for coordinating emotional care and support activities for the families. NTSB is also made primarily responsible at the Federal level for facilitating recovery and identification of victims, and providing relevant information to the same families.

The rail carrier itself in this bill is required to cooperate with the designated charitable organization to provide mental health and counseling services to the families, provide for a private grieving environment, to maintain contact with the families, and also to arrange any appropriate memorial service.

The NTSB is also required to give prior briefings to the families before public disclosure of any information about the accident. Unsolicited attorney contacts with the families or victims themselves, other than the railroad employees, are prohibited for 45 days following the accident.

To ensure that the rail and passenger carriers are prepared to implement the law in the event of an accident, the bill requires each carrier to prepare a response plan and to submit that plan to the Department of Transportation and the NTSB within 6 months of enactment detailing how the carrier will carry out the specific family assistance obligations under the law.

Let me also note for the RECORD, Madam Chairman, that when the substantially identical bill was reviewed by the Congressional Budget Office, CBO stated in its estimate in August of 1999 that this legislation ''would have no significant impact on the Federal budget.''

As to intergovernmental mandates, CBO found that the bill would not require States to change laws or take action. There would be no significant State costs, and these or any costs involved would not meet the threshold minimum of the Unfunded Mandates Act reform.

The details of these evaluations, of course, are printed in the report of the predecessor bill on House Report 106–313. I urge prompt approval and careful consideration of a very bipartisan commonsense approach.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, I want to congratulate my good friend, my colleague, the gentleman from the great State of New York (Mr. QUINN), on becoming chairman of the Subcommittee on Railroads.

I want to also thank him for this wonderful book about building the transcontinental railroad. He knows that I am a big railroad buff, and I might say that my father-in-law, Noble Carson, was an old railroad employee from the old L&N Railroad in Nashville, Tennessee, where he retired. He is now deceased.

I am a former college president and I am a real historian anyway of the history of this country, and how we have been able to build that transcontinental railroad in just a few years. In this book, it describes how one can build a railroad in just a few years, so we ought to be able to do great things working together on a bipartisan basis on behalf of the Committee on Railroads and our colleagues in this great country.

Madam Chairman, I rise to express my support for the Rail Passenger Disaster Family Assistance Act of 2001. This legislation gives relatives of those injured or killed in railroad accidents the same rights as the families of airline disaster victims.

These families deserve the same sensitive treatment we afford to others following air disasters. What could be worse than having someone you love involved in a railroad disaster, only to find that there is no place to call for information, no one to explain whether one's husband, wife, son, or daughter was on that train, whether they were injured or deceased, but instead having to wait for hours to get any word, and at the same time, being hounded by lawyers for a lawsuit.

This legislation addresses all of those issues. It calls for the rail passenger carrier to have a plan for providing and publicizing a toll-free number for families to call. The carrier must outline a process for notifying the families before notifying the public. This notification should be carried out in person, when possible.

This legislation ensures that families will be consulted about all remains and personal effects, to the best of the rail passenger carrier's ability. It says these possessions will be returned to the family unless needed for the crash investigation, and that unclaimed possessions will be held for 18 months.

Madam Chairman, this legislation gives the families of all passengers the right to be consulted about the construction by the rail passenger carrier of any monument for the disaster victims. It designates a point of contact person to act as a liaison for families. It provides for mental health and counseling services for family members, and it prohibits unsolicited communications concerning lawsuits.

These assurances extend to the families of the employees, as well as the passengers, as all deserve, compassionate treatment. Every time we put a loved one on a train in this country, we should feel confident that he or she is safe. Should a tragic accident occur, however, we have a right to know we will be informed, treated fairly, and helped through the process.

This legislation does just that. The Railroad Passenger Disaster Family Assistance Act offers the same treatment to families affected by rail disasters as we currently ensure for those affected by airline disasters. Legislating consistent treatment for both these groups is the fair thing and the right thing to do.

As an advocate of increased passenger rail alternatives for our traveling population, I feel very strongly that this legislation is exactly the type of framework we need in place to deal with unforeseen tragedies. While we work harder and invest more funds to prevent such rail incidents, we still must be prepared at all times to react appropriately and in a timely manner.

I am very pleased that this Congress is moving so quickly to pass H.R. 554. I urge our Senate colleagues to move quickly on passage so we can give this bill to President Bush as soon as possible.

Madam Chairman, I reserve the balance of my time.

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

I would like to thank the gentleman from Tennessee (Mr. CLEMENT). I also would like to take this opportunity to thank the staff on our side and his side for preparing the legislation this morning.

While we will receive a lot of advice during the course of his term, in the next few years I am expecting advice from the gentleman and his staff, from my staff and others, but I am also expecting some advice from one Jack Quinn, Senior, back home in Buffalo, New York, who put in over 30 years at the South Buffalo Railroad, who will also offer me some advice, and offered me a little this morning already. He called to say that I need a haircut. As we go through this, I look forward to

working with the gentleman from Tennessee.

Mr. OBERSTAR. Madam Chairman, I rise in strong support of H.R. 554, the Rail Passenger Disaster Family Assistance Act of 2001.

Although passenger trains are a very safe way for people to travel, even railroads sometimes have accidents that cause serious injuries and loss of life. When rail passenger accidents do happen, they can occur in relatively remote locations and/or in the middle of the night. Modern communications allow for the transmission of news of the event to travel around the nation only minutes after it happens. Families with relatives on board can only hope and pray that their loved ones were not among those killed or injured. In some cases, the families are not even certain whether their loved one was on the train that had the accident. The tragic accident at Bourbonnais, IL, in March 1999 that took the lives of 11 Amtrak passengers and injured 49 others was the most recent such tragedy.

At these times, it is imperative that the needs of the families of the accident victims be treated with as much compassion as possible and that their need for information about their loved ones be promptly and accurately addressed.

The purpose of this legislation is to help create a process that, at a minimum, does not make an already highly emotional situation even more traumatic for family members. It requires that all passenger railroads engaged in interstate transportation submit a plan to the Secretary of Transportation and the Chairman of the National Transportation Safety Board (NTSB) to address the needs of families of passengers involved in any railroad accident where there is major loss of life. The plan must address a number of key areas, including the publication of a reliable toll-free number to handle calls from family members, procedures for developing passenger lists, and a process for notifying family members. In addition, the plan must specify the ongoing obligations (such as the disposition of the traveler's personal effects) that the carrier has with respect to the information and services to be provided to the family members throughout the duration of the disaster.

In recognition of the need for a professional and reliable focal point to be responsible for interacting with family members, H.R. 554 provides that the Chairman of the National Transportation Safety Board will identify a Board employee to serve as the Federal Government's point of contact and serve as a liaison between the railroads and the family members. The bill further instructs the NTSB Chairman to designate an independent nonprofit organization that has experience with disaster relief efforts, such as the Red Cross or the Salvation Army, to be responsible for coordinating the emotional care and support of the families of passengers involved in the accident. At such trying times, it is extremely important that families be handled by individuals and organizations experienced in providing compassionate assistance.

I would like to stress, however, that this legislation is not in response to any inaction or any inappropriate actions by Amtrak. Indeed, Amtrak has already adopted many of the elements called for in this bill, and Amtrak supports this bill that largely codifies its current practices. However, under the Amtrak Reform and Accountability Act of 1997, Amtrak is no longer the only railroad that can conduct interstate rail passenger operations. Since that law was enacted, a number of states have begun efforts to launch new conventional or high-speed rail passenger services. Therefore, we need to be prepared for a future of multiple rail passenger service providers.

One element of this bill I find particularly important is the prohibition against unsolicited communications by attorneys until 45 days following an accident. In times of tragedy, family members are especially vulnerable to the unscrupulous who would prey upon them. Only last week, an Amtrak passenger train rear-ended a CSX freight train just outside of Syracuse, NY. More than 60 people were injured, many of whom were physically challenged and traveling as a group. Along with the emergency responders, there were two men at the scene soliciting for legal work related to the accident. The men were handing out business cards and other material. This kind of shameless behavior is unethical; our bill would make it also illegal.

Although I am pleased that in its Statement of Administration Policy the Bush Administration supports passage of this important bill, I am concerned that the Administration indicates that it believes there may be First Amendment problems with this section of the bill (Section 2(g)(2)). To the best of my knowledge, the Administration has not contacted the Committee to outline the reasons for its concerns with the prohibition on unsolicited contact by attorneys after a rail accident. I hope that the Administration is aware of the 1995 Supreme Court decision in Florida Bar v. Went For It, Inc., in which the Court ruled that the First Amendment did not prohibit the Florida Bar from prohibiting lawyers from sending targeted direct mail solicitations to victims and relatives for 30 days after an accident. I see no difference between this decision and the prohibition in our bill.

In addition, I hope the Administration is aware that, under current law, this same type of prohibition applies to unsolicited communications to families of the victims of airline crashes. In the Aviation Disaster Family Assistance Act of 1996, we recognized the importance of the need to provide families of aircraft accident victims with reliable information and compassionate treatment. I have spoken with aviation accident families and they have told me that the 1996 legislation has worked well in assisting families in the most difficult of times. During our consideration of that Act, the Association of Trial Lawyers of America wrote to the Committee regarding that Act's aviation disaster assistance provisions and stated, in relevant part:

> * * * This legislation will lend much-needed support to the families of victims of airline disasters.
>
> In particular, the Association strongly supports sec. 5. This provision states the sense of Congress that state bar associations should adopt rules prohibiting unsolicited contact concerning a legal action with victims or aggrieved families within 30 days of an accident. ATLA's longstanding Code of Contact goes even further, and entirely prohibits unsolicited contact, regardless of when the accident occurred. We believe that the 30 day time period you provide in the bill is a reasonable minimum period during which victims and their families should not be bothered against their will with the sometimes painful question of compensation.
>
> However, we urge the committee to go further, by strengthening this bill to also prohibiting unsolicited contact by anyone concerning potential claims they or their loved ones may have. Until a family decides to consider its options with regard to compensation, no party should take advantage of them during this delicate emotional time.—(Association of Trial Lawyers of America, September 10, 1996)

I applaud the Association of Trial Lawyers and the many State Bar Associations that have supported our efforts to stop this unethical conduct. I look forward to working with the Administration to address any new concerns that it has.

We have provided some solace to the families of victims of aviation disasters. We should do no less for those who choose to ride our nation's passenger trains.

Mr. RAHALL. Madam Chairman, I am pleased to support the Rail Passenger Family Assistance Act. This bill should be enacted into law because it is the honorable thing to do. In the 106th Congress, I cosponsored a similar bill, H.R. 2681, which the House passed on October 4, 1999, by voice vote, but the Senate did not act on the bill. I look forward to a different outcome this year.

We all hope and pray that our constituents will get to their destinations safely while traveling. But the harsh reality is that sometimes tragedies do occur. Sometimes a plane or train crashes, causing a major loss of life.

In times like these, when families face the shock and pain of losing a loved one, the least we can do is provide every possible consideration to them, including grief counseling and general emotional support, ensuring their privacy, and helping them to arrange a fitting memorial service.

After the Valujet and TWA 800 airplane tragedies in 1996, this type of family assistance was established for the families of loved ones lost in airplane crashes, but such services do not exist for families of those lost in interstate and intercity rail passenger service.

While Amtrak has established an informal family-assistance program, there is no federal law requiring these services for families of victims of railroad disasters. In addition, because the 1997 Amtrak Reform and Accountability Act mandated competition in intercity rail passenger service, Amtrak will no longer be the sole rail carrier. New rail carriers will be established to compete with Amtrak. Such competition demonstrates the need for the Federal Government to enact a family assistance program.

Under the Rail Passenger Disaster Family Assistance Act that we are considering today, a program will be established modeled after the program that was established for families of victims of airline disasters.

The National Transportation Safety Board (NTSB) will designate one of its employees to be the contact person within the Federal Government with victims' families. That person's name and telephone number will be published, and the person will be the liaison between the victims' families and the rail carrier.

The NTSB will then designate an independent disaster-assistance organization, such as the Red Cross, to focus on the emotional needs of the families: providing grief counseling and a private place in which to grieve, helping them to arrange memorial services and funeral arrangements, and preventing contact by lawyers, or their agents, for 45 days after the tragedy, in order to help families to begin the healing process before taking any possible legal action.

It is my hope that our constituents across the Nation will get to their destinations safely when traveling by interstate or intercity rail, whether it be the Amtrak Cardinal Line which passes through West Virginia between Huntington and White Sulphur Springs, or any other carrier anywhere in the Nation. However, when a rail tragedy does happen, we must provide every possible consideration to victim's families to help them through the tragedy. This bill does that.

Finally, the Rail Passenger Disaster Family Assistance Act will have no significant impact on the Federal budget, based on the Congressional Budget Office estimate for H.R. 2681, the bill passed by the House in 1999. Therefore, I encourage the Senate to consider the bill as soon as possible, and the President sign it into law, for the sake of victims' families.

Mr. CLEMENT. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. QUINN. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 ''Rail Passenger Disaster Family Assistance Act of 2001''.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

''§ 1138. Assistance to families of passengers involved in rail passenger accidents

''(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

''(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

''(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

''(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

''(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

''(2) communicating with the families of passengers involved in the accident as to the roles of—

''(A) the organization designated for an accident under subsection (a)(2);

''(B) Government agencies; and

''(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

''(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

''(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

''(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

''(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

''(4) To arrange a suitable memorial service, in consultation with the families.

''(d) PASSENGER LISTS.—

''(1) REQUESTS FOR PASSENGER LISTS.—

''(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

''(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

''(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

''(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

''(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

''(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

''(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

''(g) PROHIBITED ACTIONS.—

''(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

''(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster occurring in the provision of—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

''(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

''(3) PASSENGER.—The term 'passenger' includes—

''(A) an employee of a rail passenger carrier aboard a train;

''(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

''(C) any other person injured or killed in the accident.

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1137 the following:

''1138. Assistance to families of passengers involved in rail passenger accidents.''.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

''**CHAPTER 251—FAMILY ASSISTANCE**

''Sec.

''25101. Plans to address needs of families of passengers involved in rail passenger accidents.

''§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

''(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

''(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

''(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1138(a)(2) of this title or the services of other suitably trained individuals.

''(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

''(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1138(a)(1) of this title, and to the organization designated for the accident under section 1138(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

''(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

''(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

''(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

''(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

''(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(10) An assurance that the rail passenger carrier will work with any organization designated under section 1138(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

''(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1138(a)(2) of this title for services provided by the organization.

''(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

''(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

''(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

''(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

''(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

''(d) DEFINITIONS.—In this section—

''(1) the terms 'rail passenger accident' and 'rail passenger carrier' have the meanings such terms have in section 1138 of this title; and

''(2) the term 'passenger' means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.''.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

''251. FAMILY ASSISTANCE ..... 25101''.

The CHAIRMAN. Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents, pursuant to House Resolution 36, she reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUINN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Under clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1045

JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, pursuant to the order of the House of Tuesday, February 13, 2001, I call up

the bill (H.R. 559) to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the ''John Joseph Moakley United States Courthouse,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 559 is as follows:

H.R. 559

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

SECTION 1. DESIGNATION.

The United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, shall be known and designated as the ''John Joseph Moakley United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''John Joseph Moakley United States Courthouse''.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the order of the House of Tuesday, February 13, 2001, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 30 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, as I begin my remarks on H.R. 559, I want to thank and commend our colleague, the gentleman from Massachusetts (Mr. MCGOVERN) for one, not only bringing this matter before the attention of the House, but also for pushing for its expedited consideration.

I was in my district in Ohio as all Members were earlier this week. They all were not in Ohio, they were all in their districts. And the gentleman from Massachusetts (Mr. MCGOVERN) was kind enough to call and indicate this was a bill that was not only deserving of the body's attention, but it was deserving of expedited attention.

Madam Speaker, I also want to commend the leadership of the House for giving it every consideration.

Madam Speaker, H.R. 559 designates the United States courthouse located at 1 Boston Way in Boston, Massachusetts as the John Joseph Moakley United States Courthouse. It is only fitting that the courthouse in Boston bear the name of our witty, compassionate and amiable colleague in the House.

Mr. MOAKLEY has been a staple in this body since his election to the House in 1972. Congressman Moakley was born, raised and lived most of his adult life in South Boston, something he is very proud of. He began his long distinguished career in public service at the age of 15 when he enlisted in the United States Navy and served in the South Pacific during the Second World War.

Upon returning from his service in World War II, he attended the University of Miami, and later received his law degree from Suffolk University Law School in Boston.

At the age of 25, Congressman MOAKLEY was elected to the Massachusetts State Legislature, serving in both the State House of Representatives and the State Senate for 18 years before being elected to the Boston City Council.

In 1972, as I mentioned before, Congressman MOAKLEY was elected to the United States House of Representatives.

After his first term in the House, Congressman MOAKLEY was appointed to the Committee on Rules. He later became chair of the Committee on Rules in 1989. He is now serving as the Committee on Rules ranking member. With his affable personality, he was able to give everyone a fair shake that came before his committee, even during some of the more than difficult political debates that we, from time to time, have in this Chamber.

In addition to his work on the Committee on Rules and being an ardent supporter for South Boston's transportation infrastructure, Congressman MOAKLEY continues to be dedicated to ending human rights violations around the world, particularly in Central America. This naming is a fitting tribute to our colleague.

Madam Speaker, I support the bill and encourage my colleagues to join in support.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I want to thank my colleague, the gentleman from Ohio (Mr. LATOURETTE), for his cooperation on this matter. I want to thank the leadership, the Republican leadership and the Democratic leadership, for all their cooperation, and, in particular, the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. ARMEY), the majority leader; the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure; as I mentioned, the gentleman from Ohio (Mr. LATOURETTE), as well as the gentleman from Missouri (Mr. GEPHARDT), the minority leader; and the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. COSTELLO).

I really appreciate everybody here working together to move this legislation to the floor expeditiously, and it is for our very dear friend, JOE MOAKLEY.

Madam Speaker, this is a very special moment for me. JOE MOAKLEY has been my teacher and he has been my mentor. He has, as I have said many times over the last couple of days, been like a second father to me, and he is my best friend.

As many of my colleagues know, I worked in JOE MOAKLEY's congressional office for over 13 years. I have seen him solve problems, both large and small. I watched as he steered countless millions of dollars to his district and to the Commonwealth of Massachusetts for sensible economic development.

There is not a Federal project in Massachusetts from the Berkshires to Cape Cod that does not have JOE MOAKLEY's fingerprints all over it.

I watched him help colleges and universities build new buildings, research facilities, classrooms and laboratories.

I watched him champion the cause of health care, because as he said on Monday, he knows probably better than most of us the miracles of medical science.

Madam Speaker, I have seen him immerse himself in constituent casework. If someone stops him at a local diner or on the street with a problem, JOE MOAKLEY is immediately on the phone, usually using some very colorful language to get his point across in order to solve that problem. And I have even seen JOE stare down death squads in El Salvador.

JOE MOAKLEY's commitment to human rights in that war-torn country played a mighty role in ending the Salvadoran war, which caused over 80,000 innocent civilians' lives.

I returned to El Salvador with JOE in November of 1999 to mark the 10th anniversary of the murder of the 6 Jesuit priests, the case in which JOE successfully exposed the truth.

Everywhere we went in El Salvador, even in the most remote villages, people remembered what he did. They would come up and give him a big hug and say thank you and tell him how much he impacted their lives.

In return, JOE would sing his favorite Irish tunes, If You Are Irish, Come Into the Parlor, or Southey, My Hometown, or his personal favorite, Redhead, and I am not sure that they knew what the heck he was singing, but they all fell in love with him. They all appreciated what he did and they will remember him forever.

In 1996, I was elected to the United States Congress, and I would not have won that race if it were not for JOE MOAKLEY. There is no way that I can adequately say thank you to him for helping me realize my dream.

Today we are naming the U.S. courthouse in Boston, a building that, quite frankly, would not be there if it were not for JOE MOAKLEY. We are naming it the John Joseph Moakley Federal Courthouse.

It is an appropriate tribute for two reasons. First, that new courthouse is already serving as a catalyst for economic development in that area of South Boston with new construction springing up all around it. And so much of JOE's career has been about

promoting economic development and creating jobs.

He joked the other day that his favorite bird is the crane, and if you visit Boston, you will see cranes all over the place.

The second reason why I think this is appropriate is that that courthouse is a symbol for justice, and JOE MOAKLEY's entire life has been dedicated to fighting for justice, especially for those who do not have a powerful ally or who are not well committed; whether it is fighting to help Mrs. O'Leary find her lost Social Security check, or whether it is fighting on behalf of refugees from El Salvador who were too afraid to go back to their homeland during that war, or whether it is fighting for health care or for Medicare or for hospitals or for anybody who has any problem, JOE MOAKLEY is always out there, front and center, fighting for justice.

He was one time asked what his favorite compliment was, and he replied being called a regular guy. Well, JOE MOAKLEY is the most extraordinary regular guy I have ever known, and like everyone in this House, and I would say like everybody who knows him, I love him a lot.

Madam Speaker, we are all sad that JOE announced that he will not seek reelection in the year 2002, but I want to remind everyone here that 2 years is a long time. JOE MOAKLEY will be with us on this floor, telling his Irish stories, singing his Irish songs and fighting the good fight.

I, again, want to thank all of my colleagues for bringing this to the floor so expeditiously.

Madam Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Madam Speaker, I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for his leadership on this issue. We were going to invite the Massachusetts Republican delegation down here to speak today, but, you know, that does not exist. There have been a couple of great Republicans in the Congress from Massachusetts. Of course, the great Silvio Conte and Mr. Torkelson, who my colleagues took care of and Mr. Blute, who my colleagues took care of, and so we are without a Massachusetts Republican delegation. But, nonetheless, I rise this morning to represent all of the Members on our side of the aisle in talking about JOE MOAKLEY for a couple of minutes here this morning.

A good thing, as the gentleman from Massachusetts (Mr. MCGOVERN) pointed out, is that sooner or later everybody will have a chance to talk about us, sooner or later; some sooner, some later. But by doing this naming today, we get a chance to talk this morning about a good friend in JOE MOAKLEY. I want to talk to JOE this morning, not about him, because he is with us. I do not want to talk to him.

I want to thank JOE MOAKLEY personally for the work he has done with me on our weatherization and our LHEAP program where we have been able to restore some money back into this Federal budget to take care of people who have to make decisions about whether or not they are going to heat their homes or put food on the table; not an easy decision, not an easy road to hoe for people in the northeastern part of our country.

JOE and I have teamed up together to do that these last couple of years, and I have learned from JOE MOAKLEY more in these last couple of years than all of my years in education, all my years in government, all my years in public life. And I do not know JOE MOAKLEY's district exactly, but I will tell you, JOE, and I know you like to be called a regular guy, which you are, but I have a feeling that that district back there in Massachusetts when you care about the rest of the regular guys, you are caring about the teachers. You are caring about the cab drivers and the truck drivers. You are caring about the electricians and the carpenters. You are caring about the people that really make this country what it is.

And I, for one, want to thank you for doing that. I also want to let you know, JOE, whether you know it or not, you have taught a lot of us here in the House on both sides of the aisle, not only to be Members of Congress, but how to act as respectful gentlemen and from all of us, we appreciate that.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Madam Speaker, I guess, to a certain extent, I do not want to talk about what JOE MOAKLEY has done, because, to me, that is not the measure of a man. It is not the measure of the reason I like JOE, and I think the reason JOE is so well loved in his own district. It is what he is.

I grew up in Massachusetts, and for all of my life, like JOE, I live in my own hometown. Like JOE, I live in my own neighborhood. And I want to tell my colleagues, all of my life, I have heard about JOE MOAKLEY, as I heard about Tip O'Neill, as I heard about TED KENNEDY, as I heard about James Michael Curly, as I heard about John Kennedy. In my world, there were many political giants. But, for me, most of them came before me. And I knew some of them in passing. I knew Mr. O'Neill a little bit. My father knew him better.

This is the first time in my life I have had an opportunity to get up close to someone who is a living icon in my world, and it is the first time in my life that I know that all the things I heard about him were not just the typical media fluff that many of us around here worry about. We are all worried about our image. We are all worried about what people say about us. And JOE MOAKLEY could not care less because he is what he is, and what he is is a regular guy.

I say that representing a district that almost is a mirror image of JOE's district. We do represent all of those people. I will tell you that JOE MOAKLEY would have been the exact same person if he did not get into politics, if he had gone the way of so many of his friends and gone to work as a Teamster, or gone to work as a longshoreman or gone to work as a bus driver, like many of the people he grew up next to, like many of the people I grew up next to, would have been the same person, would have still joked, would have still sang songs, would have still had fun, and would have still been loved by all of his neighbors and friends.

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The fact that we have had so much of an opportunity to get the best from JOE MOAKLEY does nothing more than enriches us. I can only say that I am personally happy and proud to have gotten to know him as more than a political icon, as a person, a person that so many people in Massachusetts love and a person that so many people in Massachusetts wish only the best for.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is really a great honor for me to be able to stand up and speak on behalf of this resolution. If there is anyone who deserves it, it is JOE MOAKLEY. I can honestly say that, for the time that I have been in Congress, no one has personified to me more what it means to be a Congressman than JOE MOAKLEY. If everybody in this House were like JOE MOAKLEY, we would get along much better; we would get a lot more done.

We would realize that partisanship is important, but yet it stops. We should be able to reach across the aisle and shake hands and have a drink and share a joke and make a cutting remark or humorous remark about one of our colleagues in a way that really shows the camaraderie that we should have.

From the time I came here, JOE MOAKLEY reached out to me. He was, as the gentleman from Massachusetts (Mr. CAPUANO) and the gentleman from New York (Mr. QUINN) have said, a good guy in the very best sense of the word.

Yet, he was also an outstanding Congressman, a man who fought and fights so hard for his district, a man who obviously believes the principles for the Democratic party, fights hard for those principles; but at the end of the day, is willing to sit down and talk with anyone, no matter what their party affiliation happens to be.

He reaches out for people who need help. He is a person who I know, speaking for Members on my side of the aisle, when they needed a favor, when they needed help, when they needed a break, the guy they went to on the other side was JOE MOAKLEY. He never let party divisions stand between him and them.

As the gentleman from Massachusetts (Mr. CAPUANO) said, JOE MOAKLEY represents a working class district. He represents real people. There is nothing phony. There is nothing built-up by the media. This is the real thing. When one sees JOE MOAKLEY, one is seeing what a real person is.

Today, to be honoring him in this way, it is important. It means a lot. But on the other hand, if there was never any courthouse named after JOE MOAKLEY, if there was never any plaque or citation put out for JOE MOAKLEY, he would always be remembered by those who knew him, those who served with him in Congress.

And as the gentleman from Massachusetts (Mr. CAPUANO) has said, probably most importantly of all, the average guy on the street corner in his district, the average guy in the bar, the average guy driving the bus, the average guy going to work every day, he realizes that JOE MOAKLEY, in every sense of the word, represented those people here in Congress, the people who otherwise would not have a strong voice, the people who are so busy working day to day they cannot afford to be getting involved in exotic causes. They have to know that they have somebody who is on the firing lines for them day in and day out.

The fact that so many projects went to JOE's district as opposed to mine or the gentleman from New York (Mr. QUINN), we take that in stride, realizing that was JOE fighting for his district, and, quite frankly, doing a better job than we were for ours.

So I am proud to join with all of my colleagues today in honoring JOE MOAKLEY and speaking on behalf of this resolution and saying it has been a true source of pride and honor for me to be able to work with JOE MOAKLEY. I wish him the best of health. I wish him the very best to himself that he has given to so many of us for so many years.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), my classmate and colleague.

Mr. TIERNEY. Mr. Speaker, I thank my colleague for this opportunity to say some words about JOE MOAKLEY, JOHN JOSEPH MOAKLEY, but all of us know him as JOE.

He was described the other day by folks from Massachusetts as a lunchbucket Democrat and politician; and a politician obviously defined in this sense, as a servant of the people. When one is talking about a servant of the people, it is everybody.

JOE worked over 50 years and continues to work now for a better quality of life for everyone, rich or poor, and all those in between. He is known for his policy work whether it is housing, whether it is the environment, whether it is employment, El Salvador or Cuba.

He happens to make sure that he is happiest when people are working. When they are employed and there are numerous economic development projects going on in his district, he is smiling the most. As he said just the other day, that the favorite bird for him is the crane. When one looks all over his district in Boston, one sees one crane after another. One sees construction projects blooming in the Boston skyline and that means development, it means progress, it means jobs and a better quality of life for all of JOE's constituents.

His life is a lasting example of honor. He treats others with respect and dignity; and in turn, he is liked by everyone, as we have heard from Members on both sides of this aisle.

He is compassionate, but he is certainly not weak. He is strong, but he is always considerate of others. He has a sense of responsibility that has permeated his being for a long, long time. At the age of 15, as I am sure my colleagues have heard or will hear, he forged his documents and enlisted in the Navy and went into World War II. Today some people would probably say he misrepresented something and try to run him out of government; but for JOE, this was the right thing to do to get in there, be a patriot, and to represent and work on behalf of his country.

Tom Oliphant wrote a column about JOE the other day; and in it he said something that was very touching. He said JOE MOAKLEY treats everybody the same. So even if you are a king or President, you get to be treated like his constituent. That says a lot about JOE. It is exactly the way that he has always treated with respect the people whom he represents and whom he considers family.

So it is fitting that this courthouse be named after him. It is fitting because that is where he grew up, that is where he played and ran around in the rail yards that used to pass through there, chasing watermelons and other fruit off of the trains as they went by.

I am proud and I consider it an honor to join others here today in saying that this courthouse will be appropriately named for JOE MOAKLEY. It represents jobs. It represents progress and development. Most of all, it represents justice and fairness.

Mr. LATOURETTE. Mr. Speaker, as we await the arrival of other speakers, we reserve the balance of our time.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, there is a great void in our delegation and in this institution as JOE MOAKLEY announces that he will not run for another term. But it is altogether fitting and appropriate that we gather here to name the courthouse overlooking Boston Harbor on behalf of JOE MOAKLEY.

There is a great scene in the movie the Ten Commandments where Moses, Charlton Heston, is confronted by Pharaoh, his father who has adopted him and raised him, where the father says to him, What have you done for me, Moses? My son, Ramses, Yul Brenner, has done so much for me.

At that point, Moses pulls back the cloth and says, Behold, I have built you a city.

If someone asks me, if someone asks our delegation what has JOE MOAKLEY done, we could pull back the same cloth in the Moakley Courthouse and look out and say, Behold, JOE MOAKLEY has rebuilt Boston.

One would look out on this clear and clean water of Boston Harbor that was once polluted. One can look at the jewels of the Boston Harbor, the islands, now the Boston Harbor National Park. One could look at the Central Artery, Moses parted the Red Sea, what JOE MOAKLEY has done is reunite the city of Boston by putting the Central Artery underground so that this city that was divided for 50 years is now once again united when the Central Artery, the Big Dig, is completed, the civil and political engineering feat of the last 50 years, finding the money and then designing it. Then the Moakley Courthouse above from which one can see the Evelyn Moakley Bridge named for his beloved wife.

JOE MOAKLEY talked to kings and pages with the same language. If we ever do have a Mount Rushmore for congressmen, JOE MOAKLEY should be up there with his great friends, John McCormack and Tip O'Neill as the symbols of everything that Congress should stand for. He is a great man. We are honoring a great man by placing his name on this courthouse.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I rise in strong support of the resolution naming the Federal courthouse in Boston in honor of my colleague, JOE MOAKLEY. No Member of Congress deserves this honor more than the gentleman from Massachusetts, my friend JOE.

I have had the honor of serving on the Committee on Rules with JOE for more than 22 years. No person better epitomizes what is good about public service in this country. JOE has served with distinction, with good humor and with class.

Years ago, he personally and courageously took on the death squads in El

Salvador following the murder of four nuns in his district as well as six Jesuit priests. It was his dogged determination and hard work that brought an end in that sad chapter in El Salvador's history. JOE's district in Boston did not reap great rewards from his courageous fight, but all of mankind did.

JOE MOAKLEY, as we have heard earlier, enlisted in the Navy in World War II at the age of 15, lying about his age so he could fight the enemies of our Nation. I guess he was big for his age at the time, but no one in Congress today has a bigger heart than JOE MOAKLEY.

JOE served as chairman of the Committee on Rules for 5 years and has served as ranking Democrat for the past 6 years. Whether in the majority or in the minority, JOE has served with class. He has never been mean to his adversaries, but he has always been firm in his convictions and vigorous in his pursuit of the values and ideals of the Democratic Party.

JOE has made the decision to step down after this term in Congress after having fought valiantly in recent years against a series of ailments and will continue to fight against his ailments as he has done with courage, grace, and dignity. We look forward to his continued service in this body in the months ahead.

Boston and all America can be proud of this great Congressman. He is one of the last of the great Boston pols, a man who is proud to represent his district and to serve his country. Naming the beautiful Federal courthouse overlooking Boston Harbor in his honor is the very least we can do.

JOE MOAKLEY is a great Congressman. He is and always will be a shining example to the entire country about what is good in public life today.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield 1 minute to the gentlewoman from Ohio (Ms. PRYCE), a seatmate on the Committee on Rules with the gentleman from Massachusetts (Mr. MOAKLEY).

Ms. PRYCE of Ohio. Mr. Speaker, I rise to honor my good friend from Massachusetts and Committee on Rules colleague, JOE MOAKLEY. Anyone familiar with the Committee on Rules' work knows that it often entails long hearings, very late nights, and early morning wake-up calls just to get our work done for the next day.

But JOE MOAKLEY makes our sacrifices much easier to bear with a twinkle in his eye and his quick wit. He keeps us on our toes, and he keeps us chuckling even when the joke is at his own expense.

If more Members could do their party's bidding on both sides of the aisle with JOE's flare, there would be a lot less partisan rancor around here and many more smiles on the faces of our colleagues.

Today, we not only honor JOE MOAKLEY, but we also thank him for his invaluable contributions to this institution, to the lives of everyone he has touched, and all of us who have had the privilege of knowing him.

I was not here when a young JOE MOAKLEY came to Washington some 30 years ago, but I am very certain that this institution and his constituents and every Member he has come in contact with is better for his work here.

So, Mr. Speaker, I am a Republican, and JOE MOAKLEY is a dyed-in-the-wool Democrat, and most people would, therefore, put us at odds; but I am here to tell you, and to turn a phrase, with enemies like that, who needs friends?

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

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding to me, and thank the Members that are assembled here today.

JOE MOAKLEY's sense of humor was infectious for all of us; and one can sense, I think, the affection that we all feel for him today.

In Massachusetts, people think that one is supposed to be good at politics. We take it very seriously. In the instance of JOE MOAKLEY, he is heir to the great legacy of the great McCormack and the great O'Neill.

There are two parts of this business in Congress. There is the outside business, and there is the inside business. JOE MOAKLEY was good at both of them.

The problem in this institution, like most institutions of legislative life today across America, is that the people that are good at the outside part of it can never become good at the inside part of it because they profess a disdain for the institutions of which they serve, thereby never buying into consensus, never having the chance to do the great governing that has to take place in legislative life.

JOE MOAKLEY understood both parts of legislative life. One has to be good at the outside part of it, and one has to be very good at the inside part of it. Hence, committee assignments. I know people's eyes glaze over when they hear that, but the members of the delegation were always on good committees, primarily because of McCormack, O'Neill, and MOAKLEY.

The gentleman from Massachusetts (Mr. FRANK) said to me a moment ago when somebody mentioned, well, Jeez, JOE treated everybody alike. The gentleman from Massachusetts (Mr. FRANK) said, In our delegation, he sure did. He thought we were all on his staff.

But it was a joy to be part of his success in this institution. There is still going to be a lot of good days as we move along as well.

Let me just close on this note: I bumped into the gentleman from Alabama (Mr. EVERETT) today, a terrific guy. He said to me, ''You know, I never voted the way JOE MOAKLEY voted in the years I have been in Congress, but there was nobody whose company I enjoyed more at dinner. There is nobody that I enjoyed talking to more about the great stories that he told and still will have an opportunity to tell.''

I am indeed very grateful for many of the good things that have come my way in legislative life here in the Congress because I consider it an honor to serve here. JOE MOAKLEY has been responsible for much of the success that I have had within this institution.

I am indeed grateful today and happy to be part of this and only wish our friend from South Boston, if one asked him where he was from, he would not say Boston, he would say he was from South Boston, our friend JOE MOAKLEY.

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Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ARMEY), the majority leader of the House.

Mr. ARMEY. Mr. Speaker, let me say that when I picked up my paper last Monday and read the news of JOE MOAKLEY's illness, it made me extremely sad; and I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for calling to my attention this opportunity we have as a body to appreciate one of our own.

JOE MOAKLEY is a pretty good partisan, and that is fine. It is his institutional role to stick up for people who have a shared point of view of his own, and he has done that and he has done it well. But he has never in all the time I have known him done that in any manner that was ungentlemanly or inconsiderate.

On a more personal basis, when we have those moments in our lives when we can get beyond our institutional roles, he is a friend. I can remember as a young guy in the minority, probably a little bit out of line, messing with something that was not in a committee on which I served and, therefore, considered by many to be perhaps none of my business, having to trek up to the Committee on Rules with the second-ranking Democrat on the Committee on Rules who showed me patience, tolerance, encouragement, consideration, and a helping hand in the committee for me to get an amendment that was important to me to the floor so he could cheerfully vote against it. That was a pretty decent thing, quite frankly.

So I welcome this opportunity. And I should say, by the way again on a more personal note, we should remember that JOE MOAKLEY is from south Boston. If we forget, we should just notice that is where the accent came from. I had not realized until my brother went to work with the Boston Patriots, the

New England Patriots, that for all my life I had been mispronouncing his name. I, in my misguided youth, had learned that his name was Charlie Armey. It was only by JOE's compliments towards my brother that I learned his name is ''Chawley Aumey.'' I often refer to Charlie with affection as my brother Chawley Aumey, and I think of JOE MOAKLEY every time.

So thank you again for giving us this opportunity, and I thank the gentleman for giving me just this moment to speak with very, very real affection for a real person. As Evey, his wife, would have said, He's a person. And we ought to know that and we ought to appreciate that.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Texas, the majority leader, for his very kind words and his eloquent words. I want him to know I appreciate them and everybody in the Massachusetts delegation, I think everybody in Massachusetts, really appreciates those words.

The gentleman points out that even though JOE was a solid bread-and-butter Democrat, that he had this talent to kind of cross party lines. There is not a single person, even those who disagree with him on an issue, that do not walk away from a fight saying, He's a good guy; I liked him a lot.

We really do appreciate the gentleman's kind words, and we appreciate his working with us to bring this to the floor today.

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

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

Mr. ARMEY. One final moment. I would just say to JOE, ''Mr. Chairman, stay with us.''

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I join my colleague in thanking the majority leader for really speaking, I think, on behalf of the whole House in his very personal eloquent statement. We will have to be forgiven, those of us who do this as a profession, because, to be honest, we are all reacting personally in these last couple of days.

JOE MOAKLEY had enormous benefits to the country, to this institution, to the city and the State, but for us also the personal was there. We could not come into this Chamber on the worst of days, having encountered all kinds of unpleasantness, and not have our spirits uplifted by sitting with JOE. There was no way that anyone could fail in his presence to be cheered. And for that personal element, even in this time of trial for him, he has been cheering the rest of us up. Typical of this really quite extraordinary man.

I also want to talk about another aspect in which he is extraordinary. He is a great stereotype breaker. One of the things we suffer from in this country is this assumption that if we are A, we cannot be B; if we are X, we cannot be Y. JOE MOAKLEY showed us that we could be. There is a lot of talk about civility now. No one had to tell JOE MOAKLEY that a person could be a deeply committed advocate of issues, not simply a partisan in the sense of being a Democrat but a partisan Democrat who cared a lot about what was necessary to improve the lot of those people in our society who were not going to do well on their own, no one had to tell him that someone could be deeply committed without being truculent or belligerent. No one had to tell that a passion for doing the right thing in public policy was incompatible with friendliness, and we have seen that demonstrated here.

We have talked about people in whose tradition JOE MOAKLEY was, and Tip O'Neill is the one who comes most to mind with me, because MOAKLEY and Tip O'Neill shared something which I think is a defining thing about greatness. We throw this word around a lot; but to me, in our political system, it means among others things this: that someone can be a master of a given set of rules. Tip O'Neill and JOE MOAKLEY were both masters of the old politics. They were both masters of politics in the old school.

JOE MOAKLEY, 50 years ago in south Boston, was beginning a very impressive career in politics as it then was. And both of them, first Tip O'Neill then JOE MOAKLEY, showed that an individual could be a master of the old ways and welcome the new. Too often people who are good at one set of arrangements feel threatened by change. JOE MOAKLEY was not threatened by change. He understood that being a basic Social Security-getting, job-getting Democrat at home did not mean a person could not worry about human rights abroad. JOE MOAKLEY bridged by the greatness of his personality his commitment, his caring about individuals and humanity at large, a lot of things people have tried to pull apart.

It is for that reason that we will be impoverished personally by not having his companionship here on the floor when he leaves this House, and this Nation will be impoverished by someone who did so much to try to get us to put aside artificial differences.

Mr. LATOURETTE. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I am pleased to join in this discussion. I have not known the gentleman from Massachusetts (Mr. MOAKLEY) as well as many of the previous speakers, but I have to say that when I first appeared before the Committee on Rules a few years ago as a trembling freshman and presented my case on an amendment, it was interesting to watch the gentleman from Massachusetts (Mr. MOAKLEY).

He initially was shuffling papers, then he began listening to me, and then he turned to the person next to him and I could see him say, ''Who is this guy?'' And after I made the presentation, he made some complimentary comments and took the trouble after the meeting to come and speak to me about my proposal and explain how it could be improved.

That was the beginning of a friendship. And even though I cannot claim the close friendship that some of the old-timers here have, it has always been a good relationship. We joke with each other, we talk with each other, we always greet each other in the hallways. He always strikes me as what a longstanding Member of Congress should be, a kindly older gentleman who is helping and aiding those around him and always cheerful, always helpful, and always trying to help us do our best for the country.

We need more Members like that. And the other comments about his civility, I believe, are well taken. He is a very civil person in every sense of the word and truly a gentleman who deserves the honor that he is being given today. We cannot say enough good about him.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I thank the gentleman from Massachusetts for moving on this courthouse quickly with both sides of the aisle embracing this. This is very, very important at this time; and I compliment the gentleman from Massachusetts (Mr. MCGOVERN) for not only the way he has gone about this but his remarkable friendship with JOE MOAKLEY over the years.

When I got elected to the Congress, I had never been in a legislative body before, and I was a little inexperienced; and I remember getting here and butting heads with JOE MOAKLEY. Then I quickly surrendered.

JOE is a remarkable guy. Many of us have heard the stories about what he has done in terms of building Boston and what he has meant to that community, with the Big Dig, depression of the Artery, the beautiful courthouse, the sense of humor that he had. Amazing.

All of us have read the story about JOE's illness, and his initial remark was, ''The doctor told me that I should not get any green bananas.'' Remarkable sense of humor. The jokes on the floor. But also his commitment on so many issues.

I remember, and it was mentioned earlier, in the wake of the burial of the murdered Jesuits and nuns in El Salvador in 1989, Speaker Foley appointed JOE to head the special task force to investigate the El Salvadoran government. It was JOE MOAKLEY who led the way there and exposed violations of

human rights that have made a dramatic difference there. What a legacy his work on human rights in El Salvador. An incredible legacy.

Many of us had been fighting over the years to try to get the School of the Americas shut down, could never get the votes in the House, until JOE MOAKLEY took it up. He said I will offer this and we will get it passed. That is JOE MOAKLEY.

The personal relationships with Members, not only all he has done for his own district but everyone's district. When we go to the dean of the delegation from Massachusetts and we ask him for help, we are more effective in our districts. I will tell a quick story, if I can get 30 seconds more. Malden Mills in my district in Lawrence and Lowell, a great factory that burned down a few years ago. Aaron Feuerstein, the owner of the mill, kept all the workers working at Christmas time. Kept them all employed. He developed Polartec for cold weather. We were looking for a way to get it to the Marines, get it to our service members, because it is cutting-edge fabric.

Aaron came down and said, ''How do I do this?'' I said, ''Well, I will tell you how we will do it. We will go to see JOE MOAKLEY.'' Needless to say, the contracts have been signed, and the Marines are now wearing Polartec.

So this is a great honor to a great man, and I congratulate the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. LATOURETTE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, Mr. MOAKLEY's counterpart; and Mr. Speaker, I ask unanimous consent to take 5 minutes of my time and yield it to the gentleman from Massachusetts (Mr. MCGOVERN) for him to control.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the gentleman from Massachusetts (Mr. MCGOVERN) will have an additional 5 minutes.

There was no objection.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time. I hear all these nice things being said about JOE MOAKLEY by Members of the Massachusetts delegation, Members on this side of the aisle; and I have to say that I probably more than any other Member of this House know JOE MOAKLEY to be a real fighter. In fact, he has abused me regularly up in the Committee on Rules and I know plans to continue that pattern over the next couple of years. He is one who clearly does stand for his principles very firmly.

But I will agree with the arguments that have been made by my colleagues that he is extraordinarily civil in the process. Just yesterday I followed a statement that he made about the fact that he is at a point in his life where he does not purchase green bananas any longer because he does not know if he will be around long enough for them to ripen. Well, we know that JOE MOAKLEY is going to be around for a long time. He continues to fight very hard. But the fact is I presented him yesterday with some green bananas upstairs in the Committee on Rules, and he told me that he would much rather have the gavel than the green bananas that I presented to him.

□ 1130

I let him hold the gavel momentarily. But I will tell my colleagues that I have the highest regard for the gentleman from Massachusetts (Mr. MOAKLEY). I have had the privilege of serving on that Moakley Commission in El Salvador, and he did tremendous work and was so dedicated in that effort.

He has represented the Democrats extremely well in the Committee on Rules. The Committee on Rules is one of the most partisan committees in the institution, and yet we have been able to work in a bipartisan way on lots of different issues.

I am proud to have worked with him on bringing about a complete overhaul of the rules structure here in this House. We did that in a bipartisan way. Were it not for JOE MOAKLEY, we would not have been able to proceed with what was one of the boldest reforms since 1880 in this institution. On lots of issues, we have been able to find areas of agreement. Of course, the attention is focused on areas of disagreement. But he is a fighter who is going to continue to be with us for a long time to come, and I am looking forward to continuing to get the wit and wisdom of JOE MOAKLEY upstairs and down here on the floor.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for his kind words. Those of us in the Massachusetts delegation have not heard so many nice things said about Massachusetts Members of Congress in a long time, but we really appreciate it. We appreciate the heartfelt comments. It means an awful lot to us, and I know it means an awful lot to JOE.

Mr. Speaker, I yield 2¼ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank my colleague, the gentleman from Massachusetts (Mr. MCGOVERN), for leading us in this resolution.

It is so appropriate that we are naming a courthouse after JOE MOAKLEY. We probably should also name a post office, and maybe we will do that at a later point in time. Because certainly, as has been referenced here, JOE MOAKLEY has delivered the mail. I mean, he has delivered the mail for his district. He has delivered the mail for Massachusetts.

As the gentleman from Massachusetts (Mr. MARKEY) has said, he more than anyone, along with Tip O'Neill, is responsible for rebuilding the city of Boston. And that will be a lasting monument to JOE MOAKLEY, as well as Tip O'Neill.

But appropriate I say a courthouse because a courthouse is a symbol of justice. And I thought it was fascinating the other day, because some of us attended his press conference, where he stated publicly that, as he looked back on his political career, the one aspect of his legacy that he was most proud of is what he did in El Salvador. What he did in El Salvador was really to begin the process of stopping a civil war that took oh so many lives. It was about justice. It was about social justice and economic justice.

Beyond buildings and beyond bridges and beyond harbors, really the heart and the soul and the core of JOE MOAKLEY is social and economic justice. And that is why it is so appropriate to name the ultimate symbol of a democracy, a courthouse, after JOE MOAKLEY.

On a personal note, I want to thank JOE MOAKLEY for his wisdom, his counsel, for his kindness, his advice, and help to me. I know I speak for everyone in Massachusetts when I say, we respect him and, as importantly, we love him.

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

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to my friend, the gentleman from Massachusetts (Mr. MOAKLEY) who announced his retirement from the Congress this week. With his departure, we will lose one of our finest, wittiest, and longest serving Members. We in the Massachusetts delegation will lose our dean, our load star, and the patron saint of South Boston.

Even before his years as chairman and later ranking member of the Committee on Rules, JOE was a force not to be tangled with. In nearly 3 decades of service in the House, he cites among his most notable accomplishments his fight for peace and justice in El Salvador during the conflict-ridden 1980s. He is known for that and a lot more in Massachusetts.

Congressman MOAKLEY has literally lifted the city of Boston up. He has set an example for all of us in his efforts to improve the lives of working families, and his deeply personal style will be remembered.

Speaking of lifting the city of Boston up, JOE has spent the last decade securing crucial transportation funding for the Boston Metropolitan area, which faces formidable transportation challenges. JOE recognized that large investments were necessary to keep the great and historic city of Boston in a prominent place in the global economy, and soon Boston will be a shining example of efficient transportation that will be a tribute to JOE's tireless work.

JOE has been an important part of my political life, too. When I was elected in 1991, JOE cleared the way for me to join the Committee on Appropriations and so helped me define my role in Congress. And I am grateful to him.

JOE's recent diagnosis of incurable leukemia touches all of our lives. It takes a special breed of person to respond with such grace and equanimity.

JOE, I wish you the best. We all wish you the best. Our thoughts and prayers will be with you always.

Mr. Speaker, I thank my colleague, the gentleman from Massachusetts (Mr. MCGOVERN) for bringing this bill before us today. It is but a small recognition of JOE MOAKLEY's dedication to public service and of his great accomplishments for the people of Massachusetts.

I urge its adoption.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, let me also congratulate the gentleman from Massachusetts (Mr. MCGOVERN). I join my colleagues from the Massachusetts delegation and those Members of the House who have come to the floor today to pay honor and tribute to an outstanding American, a quintessential Irish statesman who I think, as the gentleman from Massachusetts (Mr. FRANK) pointed out, is not only a link to the past but a handshake and a look into his eyes is peering into the future.

I spoke with JOE the other day, and he said with a great deal of pride how he assumed office on the same day that Tip O'Neill was taking John Kennedy's place in the House of Representatives and John Kennedy was going on to the Senate and JOE MOAKLEY was taking Tip O'Neill's place in the great State of Massachusetts Assembly.

Mr. Speaker, JOE MOAKLEY simply embodies everything that is rich about public service and public life. I commend the delegation for its salute and tribute to Congressman MOAKLEY.

Mr. Speaker, I rise today to pay tribute to one of my most admired colleagues in the House of Representatives, Congressman JOE MOAKLEY of Massachusetts who today is the subject of legislation before this body, that has been written in his honor.

JOE MOAKLEY is the quintessential Boston Irish public servant. For more than 50 years he has served his Nation, his State of Massachusetts, and the hard-working men and women of South Boston in one form or another. In the long, and inspiring tradition of such great men as former Speaker Tip O'Neill, JOE has been the kind of Representative that has shown time and time again that he is a leader on the national and international stage, yet has remained ever loyal to the people of South Boston and all of Massachusetts.

When I first arrived here as a freshman Member in 1999, JOE MOAKLEY, who was then and now Dean of the New England House delegation, was one of those remarkable people I looked to as a model of how I wanted to conduct myself as a Member of Congress. With character, dignity, devotion, and loyalty, Congressman MOAKLEY continues to serve as constant reminder that we are indeed part of a noble profession.

JOE MOAKLEY's remarkable time in public service began when he was a mere 15 years old, when he enlisted in the U.S. Navy for service in the South Pacific during the Second World War. After graduating from college in Florida, and law school, JOE MOAKLEY ran for the Massachusetts State Legislature in 1952 where he served until 1960. And in 1964, he ws elected to the Massachusetts State Senate where he served until 1970. It was in 1972, after briefly serving on the Boston City Council, that he was first elected to the U.S. House of Representatives from the 9th District.

It was not long after he began his second term that he gained a seat on the House Rules Committee, where still serves today as ranking member. In 1989, he was made chairman of that committee. As chairman, he conducted himself with his characteristic sense of integrity and humor.

Through all his years of service which he continues today, he has worked tirelessly for his district, giving them the same full measure of devotion that he gave to other matters, such as human rights abuses in Central America, which he helped investigate and report on. His actions helped expose injustice, and likely contributed to the end of a brutal civil war in El Salvador.

I have always believed that the measure of a person's life is not contained merely in the years they spend in office, but rather in how their actions in office continue to positively affect the neighborhoods, district, and people they served, long after their time in service has drawn to a close. If a person's actions have improved the life of even one person, or one family, or one community, then there is no end or limit to what their service has meant to others. And for JOE MOAKLEY, there is no end in sight.

No matter how long I spend as a Member of this body, I am now, and will always be, proud to say that I served with JOE MOAKLEY.

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

We are waiting for a couple of other speakers, but I want to take this opportunity to say something that is important to say. I am a former staffer of JOE MOAKLEY. I am one of the few people who ever left his staff. Most of the people who have worked for him have worked for him for many years, and they have done so because they admire him and respect what he stands for. But members of the staff who are in Massachusetts, those who are here in Washington, those on the Committee on Rules, do not have the opportunity to come up before the mike and to say anything, and I want to say a few words on their behalf.

Mr. Speaker, if they were able to speak here today, they would express their incredible gratitude to JOE, not only for what he stands for, but for his friendship and for his support over the many years. People who work for him and people who deal with him, it is not just people who work for him directly, people who are part of the staff, people in the House dining room, the credit union, all love him because he has a way of connecting with people. He has a way of expressing humor that endears himself to these people.

I want to say on behalf of his staff how grateful we all are to everybody who has spoken here today and who has offered tributes. It means an awful lot to all of us because we feel that we are part of his family as well.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for taking the time to honor our dear friend, JOE MOAKLEY.

I think above all, JOE communicates. The dedication of this Post Office to him fits his ability to communicate with people, whether it is a funny story, in which there are endless numbers, and they just kind of flow out of JOE, or whether it is something as serious as dealing for justice for the people of Central America to which he and the gentleman from Massachusetts played such an important role. I consider JOE not only a friend but a mentor. We served together on the Committee on Rules for 14 years. He was always insightful. He was always there to break the tension with a great joke. He is a person that knows how to seize the moment and make the most of it politically. I will miss him when he leaves this institution. I understand that he will not be seeking reelection. In my estimation, he is one of the finest people that has ever served in this body.

I want to say something about Central America because a lot of people don't recall JOE's activity there because they were not here. There has been such large turnover since the late 1980s. The death squads in El Salvador, as the PBS special that recently played across the country showed, it was JOE MOAKLEY's persistence and courage that changed the complexion of life in that country and for many Central Americans. He had great courage in standing up for them. He is a man that I have great admiration for, and it is only fitting that we name this Post Office after him, but that we pay tribute to his great service.

Mr. Speaker, he was there for me in every battle that I ever had in this institution, in my leadership battles, in my battles with respect to putting together an organization that would get the votes on the House floor, he is a wonderful human being.

JOE, thank you for all of your great service. There will be service ahead for you here and we want you to know that we love you. We stand by you and that you are the best. I thank my friend from Massachusetts.

Mr. LATOURETTE. Mr. Speaker, I yield another 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN) for purposes of control.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the gentleman from Massachusetts (Mr. MCGOVERN) will control an additional 5 minutes.

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to our leader, the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of this measure to name the courthouse in Boston the Joe Moakley Courthouse. JOE has been a great friend to all of us. He has been a great strong right arm of this caucus and this House. He has played a pivotal role in the leadership of this House in many, many different ways: as a member of the Committee on Rules, as the ranking member on the Committee on Rules, a member of our leadership organization, as a member of our ranking Members' organization. We admire tremendously the service that he has brought.

What really sets JOE MOAKLEY apart is his relationship with his constituents. We all know that he has all of these wonderful roles, dean of the delegation for Massachusetts, ranking member on the Committee on Rules, a leader in the House in so many ways. He has done so much in Central America. He has done so much with many of his constituents in many, many ways. But I think that above all else is his humanity, his humanness, his relationship with each of us individually and collectively. He is to me the embodiment of public service. At his press conference where he announced his retirement, JOE said the people I represent are more than constituents, they are family. That is the way JOE MOAKLEY treated everyone. He treated everyone he met, his constituents, even total strangers as part of his family.

□ 1145

He was always funny, he was always friendly, he was always warm, he was always loving of other people. And he always will be. I think, more than anything that we can say about JOE MOAKLEY today, we can see that he has embodied in everything that he has done the humankindness and love that all of us should like to represent.

We love you, JOE, and we look forward to working with you in the days ahead in this Congress to make things better for the people of America and the people of Massachusetts.

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

I want to thank our leader the gentleman from Missouri (Mr. GEPHARDT) for his remarks. He mentioned JOE's humanity. I think all of us agree with him when he says that Joe treated us all like family, and he treated us all with an incredible amount of respect. JOE MOAKLEY is probably the most genuine person that any of us know. There is not a phony bone in his body. That is why people love him so much, because when he speaks to you and even when he disagrees with you, it is from his heart. It is because of what he believes. I very much treasure that trait in him and very much value his friendship.

Mr. Speaker, I want to again thank the gentleman from Ohio (Mr. LATOURETTE) for all of his cooperation and for all of his generosity with the time. I want to thank on behalf of all the Massachusetts delegation and the people of Massachusetts everybody who has spoken here today. Words cannot express adequately how much it means to all of us that you have come here today to express your support and your friendship and your love for JOE MOAKLEY.

I want to thank all my colleagues for getting behind this initiative. This is the right thing to do. JOE MOAKLEY is going to be with us for the next couple of years, and we are going to be able to continue to enjoy his humor and to watch him in action. But I think this is the appropriate way to say to JOE, ''thank you.'' It does not do justice to all that we should do to thank him, but this is a small gesture of our affection.

As I said at the end of my remarks when I opened up here, I will say it again, JOE, we all love you a lot.

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

GENERAL LEAVE

Mr. LATOURETTE. 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. 559.

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

There was no objection.

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

Mr. Speaker, many Members have come over to the floor today, Members that know JOE MOAKLEY far better than I, and have shared their personal stories of his dedication and his compassion, his fierce competitiveness, his desire to be a good Democrat and serve well the constituents of South Boston and a lot of stories about his wit.

I can only tell you, Mr. Speaker, that as a House we are united in our desire to honor our longtime colleague; and there is no honor more fitting than what we plan to do today and that is to name the United States courthouse in Boston after one of Boston's sons, JOHN JOSEPH MOAKLEY.

I urge passage of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank my friend and colleague for yielding time and say to my colleague, the gentleman from Massachusetts (Mr. MCGOVERN) what a wonderful tribute he has organized on behalf of a wonderful man that I know all of our colleagues are distressed to learn is facing the fight of his life but someone whom we all know could face that fight like no other in this House, with charm and dignity and sense of importance in life and humor that none of us, I do not think, could have if we were in his shoes right now facing what he is facing.

I just want to close by saying I cannot think of anybody, and I know my father feels the same way, that would better have his name on really now a landmark in Boston like the Federal courthouse than JOE MOAKLEY. I think what a tribute it will be to have that beautiful courthouse which he was such a major part in bringing about bear his name right next to the bridge that bears the name of his late wife.

All of Boston and all of Massachusetts and all of New England and all of this country and all over the world for the people that JOE MOAKLEY has stood for, this is a great tribute to him. I ask my colleagues to join me in urging passage of the Joe Moakley Federal Courthouse Building.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of this legislation as a tribute to a great American and outstanding Congressman, JOE MOAKLEY.

As a member of the Rules Committee, I have the privilege of working closely with JOE. Serving on the Rules Committee is often a thankless job. It requires late hours and uncertain schedules. For the ranking Democrat, that job is even more difficult. Yet JOE approaches his task with dedication and never-ending energy.

I can remember waiting around for many light-night sessions when we were entertained by his stories. Even under the most difficult circumstances, JOE never lost his wit and sense of humor.

JOE represents the best of Democratic ideals of compassion and justice. He has championed the rights of the poor, the neglected, and oppressed, not only in this country but throughout the hemisphere.

He has served his Boston constituents with honor and dignity. He has skillfully used his position to bring Federal Government services to his community. He is the best that government has to offer.

It is highly appropriate to name a Federal courthouse after JOE. A courthouse is where citizens seek justice from their government. That is JOE's legacy.

When JOE MOAKLEY was diagnosed with leukemia, his doctor recommended that he consider retiring from Congress and doing what he wants to do. JOE replied that serving in Congress is what he wants to do. That's JOE MOAKLEY—serving others rather than thinking of himself.

There is no way our Nation can fully thank JOE for his service, but this is a fitting attempt.

I have enjoyed my service with JOE over the years and I will treasure the remaining time in the 107th Congress.

Good luck, JOE.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 559, a bill to designate the Federal Courthouse in Boston in honor of Congressman JOE MOAKLEY. It is with great respect that we honor one of Congress' most prolific workers and dedicated Members with this designation.

JOE MOAKLEY is a true Bostonian. He was born in Boston on April 27, 1927. He attended local schools, and at the young age of 15 joined the U.S. Navy, serving in the South Pacific during World War II. After the war, JOE attended the University of Miami. Upon his return to Boston he attended Suffolk University Law School and received his law degree in 1956.

In 1952, at the age of 25, JOE was elected to the Massachusetts legislature. From 1952 until 1960 he served in the Massachusetts House of Representatives, and from 1962 until 1970, he served in the Massachusetts Senate. He specialized in urban affairs and environmental legislation.

In 1971, topping the ticket with a record-breaking vote in both the primary and general elections, JOE MOAKLEY won a seat on the Boston City Council. Just 2 years later he was elected to represent the Ninth Congressional District. After his first term he was appointed to a seat on the House Rules Committee—a seat previously held by former Speaker Tip O'Neill, Jr., his close friend and mentor.

In June 1989, Congressman MOAKLEY was appointed chairman of the House Rules Committee, which controls the flow of legislation and set terms for floor debate. In 1995, Mr. MOAKLEY became the committee's ranking member.

All of us will be known for our legislative achievements but few will be remembered for their broad concern for humanity. For JOE MOAKLEY, it is one of the ways in which he distinguishes himself. In 1989, JOE embarked on his most ambitious mission concerning abuses of human rights. His outrage at the blatant murder of six Jesuits, their housekeeper and her daughter in 1989 in El Salvador propelled him into a national investigation that culminated in the Moakley report. This searing document revealed the involvement of several high-ranking Salvadoran military officials in the murders. The findings in this report resulted in the termination of United States military aid to El Salvador. It also led to his concern with the School of Americas. More importantly, the people of the small village of Santa Marta had their sense of justice and fairness renewed and refreshed by the diligence and hard work of JOE MOAKLEY.

Although JOE's concern for abuses of human rights brought him international attention, he proudly remained a ''bread and butter'' and ''nuts and bolts'' politician—caring and concentrating on the people of the Ninth Congressional District in his beloved Boston. His efforts resulted in securing funds for, among other things, the dredging of Boston Harbor, renovation of the World Trade Center, bridges for access to the Boston waterfront, the Juvenile Justice Center at Suffolk University, Boston Public Library, and economic development in the Miles Standish Industrial Park in Taunton.

His constituents benefited from his dedication to environmental protection. He was instrumental in establishing the Boston Harbor Islands National Park, and as previously mentioned, he secured funds to clean up Boston Harbor. He did not forget historic preservation—Faneuiel Hall, the African Meeting House, the Old South Church, the Freedom Trail, the U.S.S. *Constitution*, and the Boston Customs House all received necessary funding to preserve these American treasures.

During his career, over 5,100 congressional actions bear the name JOE MOAKLEY. His interests include support for the Olympics, regulatory review, Medicare, human rights, civil rights, violence, police protection, education, environmental protections, energy assistance programs for the poor and elderly, landmark legislation designating arson as a major crime, merchant marines issues, and international affairs. JOE MOAKLEY has received numerous awards and honors including an honorary doctorate from Suffolk University, and an honorary doctorate from Northeastern University in political science.

Of course, no picture of JOE MOAKLEY would be complete without mentioning his boundless Irish wit, his legendary expertise at telling a story, his unfailing courtesy, kindness, and immense generosity.

Mr. Speaker, I would like to close with an Irish blessing for our esteemed colleague JOE MOAKLEY:

May the friendships you make,
Be those which endure,
And all of your grey clouds
Be small ones for sure.
And trusting in Him
To whom we all pray,
May a song fill your heart,
Every step of the way.

Mr. Speaker, it is with great pleasure that I support H.R. 559 and urge my colleagues to join me in supporting this bill.

Mr. TRAFICANT. Mr. Speaker, JOE MOAKLEY is a great American. At the age of 25 his political career began with a seat on the Massachusetts State Legislature. This was just the beginning of a long and active political career, serving on both the Massachusetts State House of Representatives and the Massachusetts State Senate. JOE MOAKLEY started his service to the Ninth District of Massachusetts in 1972. His long record of service to the Democratic Party was rewarded when he was appointed chairman of the Rules Committee in June 1989. JOE MOAKLEY has shown his continued dedication through his service as ranking member on the Rules Committee since 1994.

JOE MOAKLEY is a very dedicated man who deserves the honor designating the John Joseph Moakley Courthouse in Boston, MA. I supported a bill proposing this honor for JOE MOAKLEY in the 106th Congress and am pleased to support this bill again.

It has been an honor and a privilege to serve with JOE, and his presence in the U.S. Congress will be sorely missed. I will always consider JOE as my friend.

Mr. COSTELLO. Mr. Speaker, I rise in strong support of H.R. 559, a bill to designate the new Federal courthouse in Boston as the John Joseph Moakley U.S. Courthouse.

Mr. Speaker, our friend and colleague JOE MOAKLEY has been an outstanding Member of this House working tirelessly for the people of his district and our Nation. Like his friend and our former Speaker Tip O'Neil, JOE has never forgotten where he came from and has never forgotten that ''all politics is local.''

The people of JOE's district have benefited greatly by his leadership in the House—and hundreds of millions of tax dollars have been returned to JOE's district and State to improve major infrastructure and other public projects.

Projects include dredging the Boston Harbor, the reconstruction of the Barnes Building—the last major operating military facility in Boston, the South Boston Piers Transit Way, the modernization and expansion of the Boston transit system, the renovation and modernization of South Station and Logan Airport—and the list goes on.

I have enjoyed working with JOE on human rights issues. JOE's dedication to fairness and justice was demonstrated in his leadership in bringing to justice the ruthless murderers of six Jesuit priests and their housekeeper in El Salvador in 1989.

JOE's ability to work with other Members and his ability to get things done helped him lead the Rules Committee for 6 years. JOE's humor and unfailing courtesy have set a high standard for all of us to follow in the House.

It is most fitting and proper that we honor JOE MOAKLEY by designating the new Federal courthouse in Boston as the John Joseph Moakley U.S. Courthouse.

Mr. BACA. Mr. Speaker, I rise in support of H.R. 559, designating the John Joseph Moakley Courthouse.

My colleague from Massachusetts is a legislator's legislator, fighting for the people of his district. He has lived by Tip O'Neill's adage that all politics is local, and under his leadership, Massachusetts has benefitted, as he has carried bills promoting high tech businesses, creating jobs, and developing the local economy.

It is therefore fitting that a courthouse in his district bear the name the John Joseph Moakley Courthouse.

He is a remarkable man. Serving our nation in World War II, going to college and then earning his law degree at night, serving in the Massachusetts State Legislature and the Boston City Council, and finally being elected to the U.S. Congress. He has filled big shoes, serving on the Rules Committee in the seat previously held by former Speaker Tip O'Neill, Jr., ascending to its chairmanship when Democrats held the majority, and ranking member in the minority.

He has a strong commitment to human rights, a passion for gentle debate, a keen sense of humor, and the ability to resolve difficult disputes.

I can think of no better or more fitting tribute to a man who has devoted his career to promoting the rule of law for our nation and his constituents.

I wish him my prayers and good thoughts in fighting his recently diagnosed leukemia, and I wish him God's blessings and the strength that comes from faith.

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the many accomplishments of my friend, Mr. JOE MOAKLEY of Massachusetts. I stand before you to commend a man who embodies infinite courage and legendary patriotism. I ask my colleagues to join me in honoring the dedicated service of Congressman JOE MOAKLEY.

Bound by a sense of service to country, JOE lied about his young age to enlist in the U.S. Navy. Risking his life to defend our country during World War II only marked the beginning of his career in public service. JOE rose through the ranks of local government and was elected to the U.S. House of Representatives in 1972. It has been my distinct honor to work with him the past 22 years, and in that time I have come to recognize him, as have many others, as a man driven by principal and conviction.

During his tenure in the House, JOE has become a renegade for human rights. His desire to find answers to the brutal murders of innocent civilians in El Salvador led a divided country to an eventual peace agreement in 1992. His leadership, his passion and his dedication to civic justice will truly be remembered.

Most significantly, I have admired JOE for his tireless commitment to the people of the Ninth District of Massachusetts. JOE is a member of this body who will truly be missed. While this tribute cannot begin to communicate his greatness as a leader and friend, I can say that this body has been made better by his presence and will be lesser in his absence. Mr. Speaker, I ask all my colleagues to join with me today in celebrating the accomplishments of Congressman JOE MOAKLEY.

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

The SPEAKER pro tempore. The bill is considered read for amendment.

Pursuant to the order of the House of Tuesday, February 13, 2001, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELECTRONIC COMMERCE ENHANCEMENT ACT OF 2001

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 524) to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry.

The Clerk read as follows:

H.R. 524

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 ''Electronic Commerce Enhancement Act of 2001''.

TITLE I—ELECTRONIC COMMERCE

SEC. 101. FINDINGS.

The Congress finds the following:

(1) Commercial transactions on the Internet, whether retail business-to-customer or business-to-business, are commonly called electronic commerce.

(2) In the United States, business-to-business transactions between small and medium-sized manufacturers and other such businesses and their suppliers is rapidly growing, as many of these businesses begin to use Internet connections for supply-chain management, after-sales support, and payments.

(3) Small and medium-sized manufacturers and other such businesses play a critical role in the United States economy.

(4) Electronic commerce can help small and medium-sized manufacturers and other such businesses develop new products and markets, interact more quickly and efficiently with suppliers and customers, and improve productivity by increasing efficiency and reducing transaction costs and paperwork. Small and medium-sized manufacturers and other such businesses who fully exploit the potential of electronic commerce activities can use it to interact with customers, suppliers, and the public, and for external support functions such as personnel services and employee training.

(5) The National Institute of Standards and Technology's Manufacturing Extension Partnership program has a successful record of assisting small and medium-sized manufacturers and other such businesses. In addition, the Manufacturing Extension Partnership program, working with the Small Business Administration, successfully assisted United States small enterprises in remediating their Y2K computer problems.

(6) A critical element of electronic commerce is the ability of different electronic commerce systems to exchange information. The continued growth of electronic commerce will be enhanced by the development of private voluntary interoperability standards and testbeds to ensure the compatibility of different systems.

SEC. 102. REPORT ON THE UTILIZATION OF ELECTRONIC COMMERCE.

(a) ADVISORY PANEL.—The Director of the National Institute of Standards and Technology (in this title referred to as the ''Director'') shall establish an Advisory Panel to report on the challenges facing small and medium-sized manufacturers and other such businesses in integrating and utilizing electronic commerce technologies and business practices. The Advisory Panel shall be comprised of representatives of the Technology Administration, the National Institute of Standards and Technology's Manufacturing Extension Partnership program established under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), the Small Business Administration, and other relevant parties as identified by the Director.

(b) INITIAL REPORT.—Within 12 months after the date of the enactment of this Act, the Advisory Panel shall report to the Director and to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the immediate requirements of small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices. The report shall—

(1) describe the current utilization of electronic commerce practices by small and medium-sized manufacturers and other such businesses, detailing the different levels between business-to-retail customer and business-to-business transactions;

(2) describe and assess the utilization and need for encryption and electronic authentication components and electronically stored data security in electronic commerce for small and medium-sized manufacturers and other such businesses;

(3) identify the impact and problems of interoperability to electronic commerce, and include an economic assessment; and

(4) include a preliminary assessment of the appropriate role of, and recommendations for, the Manufacturing Extension Partnership program to assist small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices.

(c) FINAL REPORT.—Within 18 months after the date of the enactment of this Act, the Advisory Panel shall report to the Director and to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 3-year assessment of the needs of small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices. The report shall include—

(1) a 3-year planning document for the Manufacturing Extension Partnership program in the field of electronic commerce; and

(2) recommendations, if necessary, for the National Institute of Standards and Technology to address interoperability issues in the field of electronic commerce.

SEC. 103. ELECTRONIC COMMERCE PILOT PROGRAM.

The National Institute of Standards and Technology's Manufacturing Extension Partnership program, in consultation with the Small Business Administration, shall establish a pilot program to assist small and medium-sized manufacturers and other such businesses in integrating and utilizing electronic commerce technologies and business practices. The goal of the pilot program shall be to provide small and medium-sized manufacturers and other such businesses with the information they need to make informed decisions in utilizing electronic commerce-related goods and services. Such program shall be implemented through a competitive grants program for existing Regional Centers for the Transfer of Manufacturing Technology established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k). In carrying out this section, the Manufacturing Extension Partnership program shall consult with the Advisory Panel and utilize the Advisory Panel's reports.

TITLE II—ENTERPRISE INTEGRATION

SEC. 201. ENTERPRISE INTEGRATION ASSESSMENT AND PLAN.

(a) ASSESSMENT.—The Director shall work to identify critical enterprise integration standards and implementation activities for major manufacturing industries underway in the United States. For each major manufacturing industry, the Director shall work with industry representatives and organizations currently engaged in enterprise integration activities and other appropriate representatives as necessary. They shall assess the current state of enterprise integration within the industry, identify the remaining steps in achieving enterprise integration, and work toward agreement on the roles of the National Institute of Standards and Technology and of the private sector in that process. Within 90 days after the date of the enactment of this Act, the Director shall report to

the Congress on these matters and on anticipated related National Institute of Standards and Technology activities for the then current fiscal year.

(b) PLANS AND REPORTS.—Within 180 days after the date of the enactment of this Act, the Director shall submit to the Congress a plan for enterprise integration for each major manufacturing industry, including milestones for the National Institute of Standards and Technology portion of the plan, the dates of likely achievement of those milestones, and anticipated costs to the Government and industry by fiscal year. Updates of the plans and a progress report for the past year shall be submitted annually until for a given industry, in the opinion of the Director, enterprise integration has been achieved.

SEC. 202. DEFINITIONS.

For purposes of this title—

(1) the term ''Director'' means the Director of the National Institute of Standards and Technology;

(2) the term ''enterprise integration'' means the electronic linkage of manufacturers, assemblers, and suppliers to enable the electronic exchange of product, manufacturing, and other business data among all businesses in a product supply chain, and such term includes related application protocols and other related standards; and

(3) the term ''major manufacturing industry'' includes the aerospace, automotive, electronics, shipbuilding, construction, home building, furniture, textile, and apparel industries and such other industries as the Director designates.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Michigan (Mr. BARCIA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

GENERAL LEAVE

Mr. BOEHLERT. 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. 524.

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

There was no objection.

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

During a busy day, most Americans probably do not stop to think about the impact small manufacturing has on all of our lives. In fact, most Americans would be surprised to learn that it is all but impossible to get through a day without using and benefiting from the many products created by our Nation's small manufacturers. Everything from the alarm clock ringing in the morning, to the clothes we wear, to the communications equipment C–SPAN uses to broadcast these House proceedings live can be attributed in part to small manufacturing.

It is not surprising, then, that small manufacturers contribute so greatly to our Nation's economic growth and prosperity. Small manufacturers employ over 12 million Americans, translating to nearly 1 in 10 workers nationwide. It is estimated that a manufacturing sale of $1 results in an increase of total output in the economy of $2.30. As they seek to remain a driving force in our Nation's economy, one of the greatest challenges facing small manufacturers in the coming decade will be the need to implement successful e-commerce business strategies allowing them to better compete in the burgeoning information age.

It is estimated that sales in electronic commerce alone will reach nearly $3.2 trillion by the year 2003. Small manufacturers who successfully embrace new technology and all its benefits will be able to capitalize on the growing trend in online sales and have the potential to increase both their productivity and revenues. Beyond online sales, e-commerce can help small manufacturers develop new products and markets while at the same time allowing them to interact more quickly and efficiently with their suppliers and customers.

I am pleased to join the gentleman from Michigan (Mr. BARCIA), the ranking member of the Subcommittee on Environment, Technology and Standards, as an original cosponsor of H.R. 524, the Electronic Commerce Enhancement Act. H.R. 524 will allow the director of the National Institutes of Standards and Technology, which we all know as NIST, to establish an advisory panel comprised of both government and private sector representatives that will provide Congress with a comprehensive report detailing the challenges facing small manufacturers in integrating and utilizing electronic commerce technologies.

The report will also require a 3-year blueprint for NIST's Manufacturing Extension Partnership program, or MEP, in the area of electronic commerce. MEP, with over 400 centers in all 50 States, has been a valuable technology transfer resource for many small manufacturers nationwide. By establishing a 3-year plan, we will have a better idea of how NIST MEP can be most useful in helping small manufacturers overcome the barriers they face in the electronic world.

Finally, H.R. 524 establishes a limited e-commerce pilot program administered through the Manufacturing Extension Partnership program, in conjunction with the Small Business Administration, aimed at assisting small manufacturers to integrate e-commerce business strategies. Last Congress, the House passed legislation mirroring H.R. 524 by voice vote. Unfortunately, Congress adjourned before the Senate could act on the measure. I am hopeful we will be able to get the bill signed into law this year. Accordingly, I urge my colleagues to join me in support of the Electronic Commerce Enhancement Act of 2001.

Let me close my formal remarks by commending my colleague, good friend, and partner, the gentleman from Michigan (Mr. BARCIA), for his tenaciousness, for his innovativeness and for the hard work that has produced this product.

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

Mr. BARCIA. Mr. Speaker, I yield myself such time as I may consume. I too want to commend my very good friend and distinguished colleague in his, I believe, maiden remarks on the floor here as the new full Committee on Science chairman.

I want to express my gratitude to both the gentleman from New York (Mr. BOEHLERT) as well as the gentleman from Michigan (Mr. EHLERS) for their spirit of bipartisanship which is a continuation of the good working relationship which our committee enjoyed in the last several sessions but certainly bodes well in this new session.

Certainly the fact is not lost that the first action in this new session of the committee is reporting a Democratic bill. For that I am very grateful. I want to say how much I look forward to continuing to work with the gentleman from New York and continuing that great spirit of bipartisanship which the Committee on Science has been so well renowned for and to say how delighted we are that he will be leading our full committee efforts here in committee and on the floor.

Mr. Speaker, I rise in support of H.R. 524, the Electronic Commerce Enhancement Act. H.R. 524 represents a bipartisan effort to assist small and medium-sized enterprises to bringing their businesses online. H.R. 524 is the same text as H.R. 4429 which was reported by the Committee on Science and passed by the House in the 106th Congress.

The bill before us today reflects again a bipartisan consensus. I, the gentleman from New York (Mr. BOEHLERT), the gentleman from Texas (Mr. HALL), and the gentleman from Michigan (Mr. EHLERS), along with other Members, decided to reintroduce this legislation because of the challenges small and medium-sized businesses face in implementing the electronic commerce activities. As large corporations move their business transactions online, small companies in the supply chain must go online as well. However, many of these small companies lack the information they need to make informed decisions on choosing e-commerce products and services. The Electronic Commerce Enhancement Act addresses this problem.

First, H.R. 524 establishes an advisory panel to assess the e-commerce needs of small businesses. This advisory panel should represent an equal partnership between industry, government, and other affected groups. The Manufacturing Extension Partnership, working with the advisory panel, will establish a pilot program at MEP centers to provide small businesses with

the information they need to make informed, intelligent purchases of e-commerce products and services.

□ 1200

This bill also addresses the issue of interoperability in the manufacturing supply chain. Adoption of e-commerce practices within a supply chain can be hindered by the lack of interoperability of software, hardware, and networks in exchanging product data and other key business information.

For example, a recent study indicated losses of $1 billion in terms of productivity due to interoperability problems in the automotive supply chain. Other industries with complex manufacturing requirements could be expected to suffer similar losses.

The National Institute of Standards and Technology, or NIST, has supported the first phase of an automotive supply chain interoperability study in my home State of Michigan. This program was highly successful and strongly supported by industry. H.R. 524 builds upon this preliminary effort. NIST would perform an assessment to identify critical enterprise integration standards and implementation activities and report back to Congress.

I want to thank also the gentlewoman from Maryland (Chairwoman MORELLA) for working with me on this legislation in the last Congress and also want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his efforts to bring this bill to the floor in the 106th Congress as well.

Of course, I want to thank our new Committee on Science chairman, as I just mentioned, the gentleman from New York (Chairman BOEHLERT), as well as the gentleman from Michigan (Chairman EHLERS) and the ranking member, the gentleman from Texas (Mr. HALL), for cosponsoring this legislation and supporting bringing it to the floor so expeditiously. I hope this represents the first of many bipartisan Committee on Science bills that we will bring to the floor of the 107th Congress.

Mr. Speaker, the manufacturing extension partnership has a proven track record of helping thousands of small businesses across the country. The National Institute of Standards and Technology has continually worked in partnership with the private sector to make advancements that benefit countless American businesses.

In closing, I believe this bill represents sound and reasonable policy that builds upon the impressive history of these Federal agencies. I urge my colleagues to support this measure.

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

Mr. BOEHLERT. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Michigan (Mr. EHLERS), the distinguished chairman of the Subcommittee on Environment, Technology and Standards.

Mr. EHLERS. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I welcome the gentleman from Michigan (Mr. BARCIA) to the ranking member position on the Subcommittee on Environment, Technology and Standards; and I look forward to working with him. We have been friends for many years, first in the Michigan House, then the Michigan Senate, and now in the Congress, and especially on this particular subcommittee.

Mr. Speaker, I rise today in support of H.R. 524, the Electronic Commerce Enhancement Act of 2001. Small manufacturers play a vital role in our society. Each and every day we all rely on the many goods they produce to help sustain and improve our lives. Small manufacturers are an integral part of our communities, employing hundreds of our friends and neighbors and acting as anchors that help to foster growth and prosperity in many small towns across our Nation. In our inner cities, it is often small manufacturers that have helped to spur urban renewal and act as the industrial foundation in our metropolitan areas.

Recently I visited a factory in my district. It is a classic example of what I just described here. A gentleman purchased a faltering plant which was on the verge of bankruptcy. It had 50 employees. He reinvigorated it; and through good management and advanced techniques of manufacturing, including communication, he became a supplier of parts for the Chrysler Corporation, now the Daimler Chrysler Corporation. At the time I visited, he had 250 employees and he said he had work for 500, if he could only find qualified individuals to work there.

He also showed me a machine that was producing parts for the Chrysler minivan. He had produced 2 million of those parts for the Chrysler Corporation, without one single rejection by them for defects. He was very proud of his record. That is the type of thing small manufacturers do so well.

The future success and growth of many small manufacturers such as that will increasingly rely on their ability to adapt to the ever-changing electronic business environment. In a recent survey, nearly 80 percent of small manufacturers reported having a Web page, which is good; but only 25 percent indicated they used the Internet for direct sales. This means that most small manufacturers are missing out on an estimated $3.2 trillion in e-commerce sales over the next 2 years. They are also missing out on the opportunity the Internet offers to spur new product development and markets while at the same time streamlining and improving their daily business operations.

There are many obstacles preventing small manufacturing from fully engaging in the new electronic-driven business environment. Costs associated with integrating even the most basic e-commerce initiatives, coupled with the uncertainty and the fast-paced changes in technology, often hinder small manufacturers' attempts to venture into the electronic world.

Just as an example, encryption is a very important part of business commerce. Very few small manufacturers have the expertise to deal with encryption problems and ensure the security, privacy, and integrity of their transmissions.

In addition to that, we need standardization of protocols between large manufacturers and their suppliers. We have to have enterprise integration and interoperability. If the smaller manufacturers are going to be able to communicate with the large number of manufacturers that they supply, they should not have to be required to put in different systems for every manufacturer they deal with.

In addition to this, a lack of qualified trained technology workers in the marketplace today makes it difficult to successfully integrate technology into the workplace in a meaningful way. Over half the small manufacturers surveyed revealed that human resource shortages were a major problem when trying to implement their e-commerce plans.

I would add parenthetically here that I have introduced legislation to improve K–12 math-science education, which would go a long way toward solving the problems that are indicated in the previous paragraph and that I also mentioned earlier for the manufacturer in my district who could not find the employees he needed.

H.R. 524 is an important piece of legislation because it will help us get a better picture of all of the barriers preventing small manufacturers from successfully implementing electronic commerce strategies by having both government and private-sector representatives take a closer look at the problem.

In addition, the limited pilot program created by H.R. 524 will tell us what is and what is not working in the workplace. NIST's Manufacturing Extension Partnership program, or MEP, working in conjunction with the Small Business Administration, is uniquely suited to assist small manufacturers in this endeavor. The hundreds of MEP centers all across the country have a proven track record in effectively providing small manufacturers with the advice and expertise they need in order to succeed.

I am pleased to join the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), and the ranking member of the Subcommittee on Environment, Technology and Standards, the gentleman from Michigan (Mr. BARCIA), as an original cosponsor of H.R. 524.

Mr. Speaker, I urge all of my colleagues to join me in support of the

Electronic Commerce Enhancement Act of 2001.

Mr. BOEHLERT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for yielding me time and for his leadership on this issue.

Mr. Speaker, I rise today in support of the Electronic Commerce Enhancement Act of 2001, a bill that recognizes the importance of the Internet and e-commerce to our economy. This bill also recognizes the importance of business-to-business transactions by small- to medium-sized businesses via the Internet. As technology continues to grow, unfortunately, many small- to medium-sized companies have not been able to utilize the potential of the Internet as a business tool. In order to help these companies contribute to economic growth, this bill assists in developing tools to alleviate the problems of interoperability.

H.R. 524 will help promote electronic commerce in these small- to medium-sized companies by identifying the challenges that they face and establishing programs to assist them in overcoming these obstacles. These programs include the electronic linkage of manufacturers, assemblers, and suppliers that will enable them to exchange product, manufacturing and other business data within the supply chain. By allowing the National Institute of Standards and Technology technology to assist small- and medium-sized businesses to successfully integrate electronic commerce, Congress will promote effective standards for helping these businesses prosper in our economy.

I want to thank the gentleman from Michigan (Mr. BARCIA) and the gentleman from Michigan (Mr. EHLERS) for their work in recognizing the importance of small businesses, the gentleman from Wisconsin (Mr. SENSENBRENNER) for his work in passing this bill in the 106th Congress, and the gentleman from New York (Chairman BOEHLERT) for his new leadership on the Committee on Science and on this issue. I urge my colleagues to support this legislation.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA), the senior member of the committee.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding, and I certainly want to thank him as chairman of the Committee on Science for bringing this issue to the floor and for his strong support of it.

Obviously, the ranking member of our Subcommittee on Technology for the last years, the gentleman from Michigan (Mr. BARCIA), who introduced this legislation, I wanted to commend him and indicate my very strong support for it.

Introduction of this bill represents a very strong bipartisan effort to assist small- and medium-sized businesses as they move their operations into an e-commerce environment.

Enacted, this legislation will also improve the interoperability of the electronic transfer of technical information in the manufacturing supply chain. The lack of interoperability between software, hardware, and networks in exchanging product data and other key business information obviously is hurting U.S. productivity.

The costs of this barrier are enormous. According to a study conducted by the National Institute of Standards and Technology of product data exchange in the automotive sector alone, the inability to efficiently exchange product data through the automotive supply chain conservatively costs about $1 billion a year.

Mr. Speaker, this bill was introduced in the 106th Congress, reported out of the Subcommittee on Technology, which I chaired and the gentleman from Michigan (Mr. BARCIA) was the ranking member, and at that time the bill was then passed unanimously by the House.

The bill would also allow the National Institute of Standards and Technology to work with business and industry to develop voluntary standards, standards that will assure that U.S. firms will and can continue to exploit the power of the Internet to collaborate with trading partners and through greater speed and agility to participate in the global markets.

Again, I thank my colleagues for bringing this important issue to the floor. I urge all of my colleagues to support H.R. 524.

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague for yielding me time.

Mr. Speaker, I rise in support of H.R. 524, but I do so with some reservation. I am troubled by the bill on two particular grounds: first, its potential negative impact on e-commerce; and, two, its encroachment on the Committee on Energy and Commerce jurisdiction.

Let me take the negative impact on e-commerce and explain this more fully. H.R. 524 ''authorizes the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major industry.''

Mr. Speaker, such an authorization seemingly grants an open invitation to a Federal Government entity, NIST, to meddle in voluntary standard-setting activities by private parties relating to business-to-business electronic exchanges.

□ 1215

Such a governmental intervention could harbor substantial negative repercussions for e-commerce. Voluntary standards-setting activities by private, non-governmental parties have been credited with the vibrancy and innovation associated with our e-commerce industry. Industry enterprise integration or business-to-business exchanges are a critical component of our e-commerce sector. Today, transactions on such exchanges represent 85 percent of the total value of e-commerce.

The Federal government injecting itself into a business-to-business exchange standard-setting activities in our view on the Committee on Commerce holds no other promise but to retard dynamic and innovative change synonymous with e-commerce.

Moreover, authorizing such a government intervention sends the wrong signal to our trading partners in Europe. The European Union Commission is favorably inclined to inject itself into private standard-setting activities. This makes for a bad recipe for the future of global e-commerce.

Too, Mr. Speaker, my other concern is with jurisdiction. As the title of H.R. 524 clearly denotes, electronic commerce is the focal point of this legislation. The Committee on Energy and Commerce is the committee of jurisdiction over matters relating to electronic commerce. The committee's jurisdiction over electronic commerce is perfectly clear. E-commerce is a mere subcategory of interstate and foreign commerce and, as such, is undeniably within the purview of the committee's longstanding jurisdiction.

The committee also has repeatedly dealt with e-commerce issues, as exemplified by its leadership role on the following issues: No. 1, encryption; No. 2, electronic authentication of electronic signatures; No. 3, data security; and No. 4, interoperability.

H.R. 524 is within the committee's jurisdiction and should have been referred to it. The time for such a referral may have passed, but I assure the Members that we, the Committee on Energy and Commerce, will vigorously exert our jurisdiction over interstate commerce irrespective of the medium; that is, electronic or mobile.

The committee will carefully monitor NIST standard-setting activities, as outlined in H.R. 524.

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

Mr. Speaker, I would just like to respond to some of the comments made by the gentleman from Florida.

Obviously, in the last session we dealt with this issue and it passed unanimously through the House as far as the jurisdictional issue. I understand that some of the committee jurisdictions are still, as we speak, being delineated and settled.

I understand the gentleman's concern about having NIST establish structures

in terms of the interoperability issue, but I want to assure the gentleman from Florida that the automotive industry spoke strongly in favor of this legislation, based on their experience in Michigan that they had with a program called STEP, which, as I mentioned, the Manufacturing Extension Partnership based in Ann Arbor, Michigan, had worked with the automotive industry to put in place.

It has been a very successful program, and the automotive industry, which is greatly impacted by this legislation, was very strongly supportive and worked with our leadership of the subcommittee and the full committee to ensure that we would not be setting precedents or addressing some of the issues, perhaps, that the gentleman has concerns about.

But we will be mindful of that, and hopefully enjoy support on passing this bill.

Mr. Speaker, if I could make one last comment about also my colleague and friend, the gentleman from Michigan, and congratulate him on his ascension to the chairmanship of the Subcommittee on the Environment, Technology, and Standards, of which this morning I was selected as the ranking member.

I just want to say, as my good friend, the gentleman from Michigan (Mr. EHLERS) indicated, we have had the privilege of serving together in the State House in Michigan, the State Senate, and then coming to Congress together.

I want to say that I am delighted to be able to work with someone who has been a long-time friend, and someone who, throughout his tenure both in the Michigan legislature as well as here in Congress, has been recognized as one of certainly the most thoughtful and effective Members of both the State legislature and Congress.

I look forward to working with our new leadership, the new Chair, and of course my long-time friend, the gentleman from Michigan (Mr. EHLERS), of the subcommittee.

I also want to thank our former Chair, the gentlewoman from Maryland (Mrs. MORELLA), for her just absolutely great administration of our subcommittee. I think if we looked at the full committee and our subcommittee, we probably would have one of the best track records of bipartisanship in the entire Congress, and certainly all of us on the Democratic side in that subcommittee really appreciated her role, and the fairness and objectivity and spirit of bipartisanship that she carried throughout her tenure as the chair of the subcommittee. Again, I thank the chairman and the gentlewoman from Maryland (Mrs. MORELLA).

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

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and pass the bill, H.R. 524.

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. BOEHLERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend the rules and pass H.R. 524 will be followed immediately by a 5-minute vote on the question of passage of H.R. 554, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 6, not voting 17, as follows:

[Roll No. 14]

YEAS—409

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Costello
Cox
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
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
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 (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—6

Collins
Flake
Hostettler
Paul
Schaffer
Tancredo

NOT VOTING—17

Ackerman
Bonilla
Bono
Burton
Capito
Cooksey
Cubin
Davis, Thomas M.
Istook
Lewis (CA)
Mollohan
Ortiz
Putnam
Thornberry
Towns
Watkins
Young (AK)

□ 1242

Mr. SCHAFFER changed his vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 14 I was inadvertently detained. Had I been present, I would have voted "yea."

RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 2001

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of passage of the bill, H.R. 554, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 4, not voting 24, as follows:

[Roll No. 15]

YEAS—404

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
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
Filner
Fletcher
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (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 (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—4

Flake
Paul
Schaffer
Tancredo

NOT VOTING—24

Ackerman
Bono
Burton
Capito
Clyburn
Cooksey
Cubin
Davis, Thomas M.
Foley
Fossella
Gilchrest
Gutierrez
Istook
Lewis (CA)
Meek (FL)
Mollohan
Ortiz
Royce
Sawyer
Slaughter
Thornberry
Towns
Watkins
Young (AK)

□ 1257

Mr. FLAKE and Mr. SCHAFFER changed their vote from ''yea'' to ''nay.''

Mr. TANCREDO changed his vote from ''present'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes No. 14 and 15 I was unavoidably detained. Had I been here I would have voted "yea" on rollcall vote No. 14 and "yea" on rollcall vote No. 15.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, on rollcall Nos. 14 and 15, I was unavoidably detained. Had I been present, I would have voted "yea" on both votes.

PERSONAL EXPLANATION

Ms. CAPITO. Mr. Speaker, I regret that I was unable to attend the recorded votes today, February 14, 2001. I was traveling with President George W. Bush on his visit to my district in West Virginia. Had I been present, I would have voted "yea" on both rollcall No. 14 and 15.

AFFECTING REPRESENTATION OF MAJORITY AND MINORITY MEMBERSHIP OF SENATE MEMBERS OF JOINT ECONOMIC COMMITTEE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 279) affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, and specifically section 5(a) of the Employment Act of 1946 (15 U.S.C. 1024(a)), the Members of the Senate to be appointed by the President of the Senate shall for the duration of the One Hundred Seventh Congress, for so long as the majority party and the minority party have equal

representation in the Senate, be represented by five Members of the majority party and five Members of the minority party.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR ADJOURNMENT OF HOUSE FROM FEBRUARY 14, 2001, TO FEBRUARY 26, 2001, AND RECESS OR ADJOURNMENT OF SENATE FROM FEBRUARY 15, 2001, OR FEBRUARY 16, 2001, TO FEBRUARY 26, 2001

Mr. SAXTON. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 32), and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 32

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, February 14, 2001, it stand adjourned until 2 p.m. on Monday, February 26, 2001, and that when the House adjourns on Monday, February 26, 2001, it stand adjourned until 12:30 p.m. on Tuesday, February 27, 2001, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, February 15, 2001, or Friday, February 16, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon Monday, February 26, 2001, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

□ 1300

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE, NOTWITHSTANDING ADJOURNMENT OF THE HOUSE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, February 26, 2001, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTERNATIONAL BASIC EDUCATION

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

Mr. POMEROY. Mr. Speaker, I would like to inform my colleagues that I, along with the gentleman from Wisconsin (Mr. GREEN), will this afternoon be briefly addressing the importance of an issue we care passionately about: children's education, children's basic education, girls' education, and our U.S. international assistance dollars in helping developing countries make schools and educational opportunities available.

Last Congress I had the privilege of serving on the House Committee on International Relations. From that position, I began to focus on identifying which foreign aid dollars could actually make a lasting difference and bring systemic changes in the areas that we are trying to help.

Too often we are just late to the crime scene. Whether it is famine, war, epidemic, we are just trying to pick up after the catastrophe has already occurred. We need to commit our scarce foreign assistance dollars in ways that help bring lasting improvements, build better opportunities, and prevent these cycles of tragedy.

As I researched the question, I became convinced of the value of one development investment in particular: international basic education. I was intrigued to learn that educating children, particularly making a special effort to get girls into schools, because so often they are not allowed to participate, yields a higher rate of return than virtually any other effort we can make in the international developing world.

The data seemed almost too good to be true. With increased education, women live healthier lives. They marry later, live longer, have fewer children, and their children have vastly superior survival rates. The data compiled by the World Bank and other international organizations report that for every year of education a little girl receives beyond grade four, there is a 10 percent reduction in family size, a 15 percent drop in child malnutrition, a 10 percent reduction in infant mortality, and up to a 20 percent increase in wages and microenterprise development.

The statistics support what economists and development experts already know: educating children, again especially girls, creates a powerful impact, improving the lives of little children, subsequently improving the lives of their families, and improving the lives resulting later in the villages and the entire communities.

After hearing all this, I had a strong desire to actually see some of these schools, see our U.S. assistance dollars in action; and so along with my colleague, the gentleman from Green Bay, Wisconsin (Mr. GREEN), we made a bipartisan effort sponsored by some of the NGOs that are implementing these assistance dollars to look firsthand to see how this was working.

Our trip left me with a rock-solid conviction that the data on girls education is correct. In both Ghana and Mali, our taxpayer dollars have made a significant difference in the lives of children and families. And even more effectively than the dollars that are used, we were struck by the deep commitment in terms of USAID officials, the professionals in the NGO community implementing these programs, the families and the personnel from the countries making these little schools run themselves. This is driving systemic change in these areas.

We visited many classrooms, spoke to parents and community leaders and learned firsthand of the changes being made. This picture reflects a meeting with parents we had in a very small rural village. This individual, the village hunter, the one responsible for bagging the game to feed the village, told us that with the children even getting basic primary education, the cotton traders buying their products can no longer cheat them by the scales. They use the children to make certain they get a fair deal. Time and time again we heard of this kind of change.

We heard from parents that now children can help them find when they are buying medicine that has already got expiration dates; they will help them watch for expiration dates on foods and help them write letters; that schools are a safe place for them to be. They no longer have to worry about the children when they go to market.

We heard from the village chief and president of a parents' association tell us that educating a little girl is like lighting a dark room. He said that their school is giving priority to girls' participation in enrollment, making a difference for the first time in bringing girls into primary education and the opportunities that flow from that. The parents told us that once the girls

learn to read and write they teach others in the family and they become better mothers. Even in a young teenager's years, they are doing it.

I just want to, in closing, show you one of the little girls participating in one of the schools that we observed. This little girl wants to be a doctor and help others in her community. Her chances without our assistance dollars would be a million to one. But with our assistance dollars, this dream is possible.

We need to continue our commitment in this area, and I am very pleased to work with the gentleman from Wisconsin and others in a bipartisan effort to continue to support this work.

U.S. DOLLARS ARE WORKING IN INTERNATIONAL BASIC EDUCATION PROGRAMS

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

Mr. GREEN of Wisconsin. Mr. Speaker, what I want to do is to build a little bit on some of the comments that we have just heard from my companion and good friend, the gentleman from North Dakota (Mr. POMEROY).

We did travel together for 7 days in Ghana and Mali and did see some very good things and got some great news from a continent that, quite honestly, has seen less of good news and more of sobering news in recent months and years. The purpose of our brief time there was to measure education reform in general in those countries, but also, more importantly, to deal with the issues my good friend has pointed to of the role of girls' education in those countries and the pace of reform in that area.

We looked at a project called SAGE, Strategies for Advancing Girls Education, as it was being implemented in those two countries. That is a partnership involving USAID dollars and the expertise of the Academy for Educational Development and some wonderful other NGOs in the area and, of course, local leaders.

Now, I am quick to admit to my colleagues, as I was to my traveling companions, that I am a skeptic in this area. Twelve years ago, my wife, Sue, and I taught high school in east Africa, and we were very much aware of the institutional and cultural barriers that exist, particularly in the developing world, barriers which all too often prevent girls from going to school and finishing their education. I readily admit today that I came out a true believer, a great believer in the progress that our dollars are making in those countries.

There are so many heroes that the gentleman from North Dakota (Mr. POMEROY) and I can point to in these educational reforms. Of course, the local leaders and the parents' groups, who have to embrace these reforms in order for them to have a chance. Also wonderful organizations like Save the Children and OXfam. But in the brief time that I have, I would like to focus in particular on one program, a program involving USAID dollars and the Academy for Educational Development and something called the Life Skills Curriculum in the country of Mali.

Through this wonderful program, educators are able to weave throughout their curriculum valuable life skills, especially in the area of preventable health. My colleague and I watched with great interest as teachers would use lessons on, for example, how to prevent dysentery as part of their instruction on grammar so that these lessons truly were a part of the curriculum at every stage and at every level.

As I said, I was a skeptic. Those of us who have taught in the developing world are often struck by how irrelevant our lessons can often be, especially in countries that have an education system which is a holdover from a colonial power. Where I taught, we had the old English system, the English style, rote learning. But what we are seeing in countries like Mali is a new style of education, a new style that involves practical lessons day in and day out, and involves students talking to each other and building upon their own experience.

My colleagues can see to my left here a picture. This shows a young lady in Ghana. What she is using, because of the shortage of paper, she is using a little chalkboard, a little slate board to help her get through her lessons. That shows some of the material disadvantages that these students often have.

My next chart shows something which may appear very reasonable and normal and everyday to those of us in the West but is a quite remarkable characteristic of reform in education in Mali and Ghana, and that is having breakout groups, where students are no longer stuck in that old rote-learning pattern that is a holdover from the colonial days. Instead, they talk about lessons in a very real way, and they apply those lessons, especially those life-skills lessons, to their own experience and they use it to learn grammar, they use it to learn math, they use it to learn science. And the beauty of this is, even if these children, Lord forbid, are unable to go on to secondary school, unable to go on to high school, unlikely to go on to college, they will have learned valuable lessons on preventive health care.

We know these lessons will go a long way in preventing some of the great health challenges that we have seen.

□ 1315

It will pay off in the long-run in these countries. It will pay off for America. It is a wonderful thing.

The good news is our dollars are working. I thank the gentleman from North Dakota (Mr. POMEROY) for the wonderful experience he included for me. It was truly a great experience.

AMERICAN HEART MONTH

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

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to wish everyone a happy Valentine's Day.

As we know, this is the day that everyone speaks from the heart. This is a day more flowers, especially roses, are given to loved ones, more chocolate and other boxes of candy are purchased. But I would like to call attention to this heart day and our heart health.

While we celebrate Valentine's Day, let us not forget our heart and the signs it gives off, or in some cases, signs that do not give off that are important.

Mr. Speaker, in 1963, a congressional mandate designated February as American Heart Month. Because Valentine's Day is the day of the heart, it is fitting to raise awareness that heart disease kills nearly one million Americans every year, which is about 41 percent of deaths here in the United States.

Heart disease is the number one killer of Americans. Every 33 seconds an American dies from heart disease, and every 21 seconds someone suffers a heart attack. Due to these statistics, Americans need to become more educated on heart disease risks, prevention, and treatment.

Heart disease is also the number one killer for women. About one in five women have some form of heart disease. Even though surveys show that women view breast cancer as a much greater risk to their health than heart disease, the reality is that a woman's lifetime risk of dying from heart disease is one in two, whereas it is one-in-nine lifetime risk for contracting breast cancer, which is also important to be educated and seek examination.

High cholesterol and hypertension are two of the main causes of heart disease, which is alarming considering the following statistics. Approximately 50 percent of women have cholesterol levels of 200/dL or higher. Seventy-nine percent of black women and 60 percent of Caucasians over the age of 45 were classified as having hypertension.

Further, women often experience other AIDS-related diseases, such as arthritis and osteoporosis that can mask heart disease symptoms and delay the seeking of necessary medical care.

There are also critical preventive measures that include tobacco-use cessation, regular exercise, reduced daily

alcohol intake, and controlled blood pressure that women should know of and take to try to avoid this fatal disease.

While heart disease is also the number one killer in my State of California, the good news is that heart disease in California is less than the national average. We must ensure that fighting this disease is on the forefront of our agenda.

In addition to having annual checkups, screening and participating in regular exercise, it is important to be aware of the heart attack symptoms, which include uncomfortable pressure, fullness, squeezing or pain in the center of the chest lasting more than a few minutes; pain spreading to the shoulders, neck and arms; chest discomfort with light-headedness, fainting, sweating, nausea or shortness of breath; atypical chest pain, stomach or abdominal pain, nausea, or dizziness.

Women typically do not have the crushing chest pain, which is considered a classic symptom. As a result, women's symptoms can be overlooked until it is too late.

Heart disease is a critical health issue. Both men and women need to understand how they can prevent and detect heart disease. Both men and women need to become aware of heart attack symptoms and what to do if they experience any of these symptoms. We need a national effort to raise awareness of this disease.

Perhaps most of all, as the new co-chair of the Congressional Caucus on Women's Issues, I urge all of my colleagues to please make sure they understand the facts and that they, their mothers, sisters, brothers, uncles, daughters all get screened on an annual basis.

So, happy Valentine's Day, Mr. Speaker; and let us not forget the heart.

ELECTION REFORM

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

Mr. LANGEVIN. Mr. Speaker, I am pleased to be here on the floor of the House this afternoon submitting this special order on election reform.

Mr. Speaker, today I would like to address an issue that has been prominent in the minds of many Americans over the past few months but has been on my mind since 1993.

Twenty election reform proposals have been introduced in the House of Representatives since the opening of the 107th Congress. I applaud the thoughtful and expedient response of my colleagues as I myself am soon to unveil my own proposal for strengthening America's voting system and have, in fact, organized my first town hall meeting during the President's Day recess on this specific issue.

When I was elected Secretary of State for the great State of Rhode Island, it had the oldest voting equipment in the entire Nation. Beginning in 1993, as a State representative and then as Secretary of State, I worked with my colleagues in the legislature, the State Board of Elections, local canvassing authorities, and the public to investigate voting problems throughout the State and develop effective solutions.

By May of 1994, our Commission reported the need to replace our antiquated Shoup lever voting machines with optical scanning equipment. Because it is cost effective, it would help increase voter participation.

By the end of 1996, the procurement process had begun; and by September 1997 primary local elections, the optical scan equipment was firmly in place. In both 1998 and 2000 elections, these machines were in full operation throughout the State of Rhode Island.

Implementation of the new optical scan equipment was cost effective because it was cost neutral. Rhode Island's revenue neutral laws ensured that the expenses for staffing, storage, and transportation of voting equipment and printing and mailing ballots all equal the cost of establishing this new system. We also met our goal of increasing voter participation by increasing the number of registered voters by nearly 60,000 from 1993 to the year 2000.

Finally, ensuring timely accuracy in tabulating votes was also a top priority. Because the optical scan machines read voting ballots by sensing the mark within a defined period indicating the vote, this method ensures the clear intent of the voter is transmitted and tabulated.

This system also provides an audit trail for each ballot and enabled the use of ballots printed in multiple languages. However, since the machines were not accessible to blind or sight-impaired voters, I also introduced the Braille and Tactile ballot initiative to ensure that those who have lost their sight or are sight-impaired maintain their right to vote independently.

As Congress works with the President to explore ways to modernize the machinery of voting, I strongly urge my colleagues to join me in applying proven success stories such as what we have done in Rhode Island.

Models exist for accurate, efficient, and cost-effective election reform, which we should utilize in our efforts to ensure true democracy in America. Our voters deserve no less.

PRESIDENT BUSH'S TAX CUT PLAN

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

Mr. KELLER. Mr. Speaker, as someone who campaigned on the platform of providing tax relief for working American families, I am particularly proud today to announce my support for President Bush's plan to lower income tax rates across the board and to eliminate the marriage tax penalty.

I would like to address two issues today: number one, why I am supporting this plan; and, number two, what our opponents are saying about this plan and address those issues fairly and squarely.

First, why do I support this plan? Well, I support it because it is going to make a meaningful difference in the lives of so many working families here in the United States.

For example, for a married couple raising two children on a salary of $50,000 combined, they will receive a 50 percent tax cut. That is a savings of $1,600 a year. Now, a savings of $1,600 a year for that family translates into an extra $133 of groceries in their refrigerator every month for those two children that otherwise would not be there.

Now, as someone who himself grew up in relatively humble circumstances, raised by a single mom on a salary of a secretary with three children, I do not have to guess about how much working families and single mothers need tax relief. And that is why I am so enthusiastic in my support of President Bush's tax cut plan.

Now, not everybody agrees with me here. Our opponents have two things they are saying about this bill. And I believe these things are myths. But let us go ahead and address them squarely.

The first thing they say is this tax cut is simply too big, it does not leave enough money to shore up Social Security, Medicare and pay down the debt.

Well, here is the truth: 70 percent of this tax surplus goes to shore up Social Security, provide for prescription drugs, pay down the debt, with only 30 percent being used to return to taxpayers in the form of tax relief, the very folks who are responsible for this tax surplus.

Now, they say we could leave that 30 percent here in Washington, D.C. And I suppose we could. But what would happen? Congress would simply spend that money. Whether it is Republican Congress, Democrat Congress, or alien Congress, that money will be spent. It deserves to be returned to the people who paid these excessive taxes.

The second myth they say is that this is a tax cut just for the rich. Well, let us look at that little myth there. For a secretary making $38,000, a single mom raising three children, she will get a 100 percent tax cut, she will pay no taxes under this plan. For her boss, the lawyer making $100,000 a year with two kids, he will get a 16 percent tax cut. Secretary, 100 percent. Attorney, 16 percent. The low-income Americans are the big winners under this plan.

Now, why is that? Because we take the lowest rate of 15 percent and lower it down to 10 percent and we double the $500 per child tax credit.

Now, with that said, some folks say, well, that is all fine and good for the single moms and folks at the low end of the spectrum, let us just have taxes for the special people, let us not have the taxes for what they call the rich.

Well, once again, all of us pay taxes and all of us are entitled to tax relief. The truth of the matter is that the top 10 percent of wage earners in this country pay 66 percent of the taxes. These are the same people who every year create hundreds of thousands of jobs. Are these folks not entitled to the tax relief? Should we not encourage them to provide additional jobs in this economy?

In summary, this tax relief is desperately needed. It is going to make a meaningful difference in the lives of single moms and working families. A tax cut is not too big and it is not just for the rich.

In closing, let me say this. The leading cause of divorce in the United States today is arguments about money. On this Valentine's Day, we have a happy message of hope for married couples who are struggling to make ends meet: Help is on the way.

TRIBUTE TO MS. IMOGENE MATTHEWS OF GARY, INDIANA

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

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I pay tribute to one of the most caring, dedicated, and selfless citizens in Indiana's First Congressional District, Imogene Matthews of Gary, Indiana.

After serving the constituents of Northwest Indiana in my Gary District Office for the last 10 years, Imogene announced her retirement this past December.

Imogene Vanetta Matthews was born on April 15, 1954, in Gary, Indiana. Imogene, affectionately known as Moby, was the youngest girl of 11 children born to Emmett and Pauline Matthews. A lifetime native of Gary, Indiana, Imogene graduated from West Side High School in 1972.

One need look no further than her career choices after high school to determine what kind of person Imogene is. From her beginnings at the Gary Manpower Administration helping to place young children in day-care centers and homes, to her years of service as executive secretary for Gary Mayor Richard G. Hatcher, to the last person she assisted in her capacity as a Federal caseworker in my office, she has dedicated her life wholly to public service.

I was fortunate enough to have Moby on my staff as a Federal caseworker since 1989. Her commitment to her work and the people of Northwest Indiana eventually earned her a position as my Deputy District Director.

□ 1330

During her tenure in my office, she has worked selflessly to ensure the well-being of all those around her. Her exceptional knowledge and expertise in dealing with the Immigration and Naturalization Service and the Social Security Administration are unparalleled. While serving on my staff, she reunited dozens of families, helping loved ones attain the privilege of U.S. citizenship and aiding those already in the U.S. by acquiring the passports and visas they needed to visit their relatives abroad.

You only needed one meeting with Imogene to see the revelation that her choice of vocation is not only a result of the responsibility she feels to a community she loves but is also a reflection of her deep and abiding compassion for those around her. Federal casework can be a thankless task. But Moby never wavered. Regardless of the barriers that faced her, Imogene threw herself into her work with the patience and perseverance of Job. Her overwhelming commitment to following through on her promises made her an absolute miracle worker. My office is often the last resort for many of my constituents with problems. Imogene never let anyone feel desperate or afraid. On the contrary, she was a great source of hope to many people who had nowhere else to turn. She treated everyone who walked into my office with the dignity and respect they deserved, regardless of their situation in life or the details of their problems. After working with her for a decade, I can say easily that her kindness knows no bounds.

As one might expect, Imogene selflessly gives her free time and energy to her community as well, her friends, and, most importantly, her family. Imogene is a member of the NAACP as well as the Young Women's Christian Association. She is also an active volunteer for the American Association of Retired Persons and is a member of the Friends of the Gary Public Library. In addition to these important activities, Imogene promotes another cause that is near and dear to her heart. She is an avid Chicago Bulls fan and a Michael Jordan fan. Pictures of Michael Jordan adorned her office along with a life-size cutout of M.J.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Imogene ''Moby'' Matthews for her lifetime of dedication, service and compassion to the residents of northwest Indiana. She has touched the lives of many residents and she will be sorely missed not only by those she has helped with her outstanding service and uncompromising dedication but by myself and my staff who have seen her extraordinary expertise and felt her deep compassion and love. She will never be replaced.

NATIONAL GUARD AND RESERVE DAY

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, today is a very important day to American citizens and not just because it is Valentine's Day but because the President has also declared it National Guard and Reserve Day. I am encouraged that our national leadership is finally paying tribute to the citizen soldiers that play such a vital role in the protection of democracy and of our Nation's defense.

The National Guard has been there in every war and conflict that this Nation has ever fought. They were there in the Revolutionary War, the Civil War, both World War I and World War II, Korea, Vietnam, Operation Desert Storm and, most recently, Operation Allied Force in Kosovo. The National Guard is an integral part of America's military today, serving side by side with its active duty counterparts all over the world. They meet the security needs of our Nation, both at home and abroad.

Mr. Speaker, the National Guard is the only component in our military that has a dual mission. Their Federal mission is to serve as an essential partner with the country's Army and Air Force, responding to security needs worldwide. Just as important is their State mission of meeting the needs of our citizens during emergencies and disasters. The Guard, with its long history of assisting and protecting local communities, is well prepared to play this critical role in this critical mission area.

I would like to take this opportunity today, Mr. Speaker, to highlight the accomplishments of the South Dakota Army and Air National Guard. 4,452 people strong, the individuals of the South Dakota National Guard are some of the finest citizens in my State. They have served their Federal mission dutifully through deployments. As personnel from the 109th Medical Battalion deployed to Jamaica to perform medical readiness training, the 153rd Engineering Battalion worked on vertical construction in Hohenfels, Germany, and the 109th Engineer Group participated in warfighter exercises in Gafenwoehr. In just 3 years, the 147th Field Artillery's two battalions completed conversion to the multiple launch rocket system, and I have just gotten word that the 1085th Medical Company has been given the order to prepare the unit for full deployment to Bosnia. In addition, the 114th Fighter Wing of the Air National Guard has

deployed more than 500 people in support of the Aerospace Expeditionary Force and is getting ready for their fourth deployment enforcing the no-fly zone in Iraq.

Mr. Speaker, these extraordinary individuals have also responded to their State mission, being called on just this past summer to fight the Jasper fire in the Black Hills of South Dakota. This fire was the biggest ever in the history of my State. The 285 soldiers and airmen that were called to active duty to help fight this fire were there to meet the challenge just like they have always been. Their quick response is a credit to the hardworking individuals and their dedication to their job as citizen soldiers.

One can see by looking at the call of duty of the South Dakota National Guard that their responsibilities are escalating. However, at the same time we have unfortunately witnessed a decline in fully funded personnel accounts and end strengths. As the National Guard's number one priority, we must continue to devote attention to full-time manning. Adequate personnel and support are absolutely necessary to ensure a ready and accessible Guard.

Following these lines, we must take steps to ensure that our Nation's forces are capable of fighting and winning two nearly simultaneous major regional conflicts. Procurement and modernization play a central role in this. They are crucial elements to our ability to respond to multiple engagements and threats to our national security. Unfortunately, the Army and Air Force are currently wearing out weapons systems and support mission equipment. This is a direct result of the rate at which we have deployed on peacekeeping missions. As we begin to work through the defense authorization and appropriations cycle this year and in the future, more attention must be given to procurement of new weapons systems and to combat capability for all forces.

It is critical that Congress and the new administration provide funding levels sufficient to ensure that America's military capabilities are in line with our superpower responsibilities. We also must take steps to reassess our deployment strategies. Currently there is a great mismatch between U.S. force levels and overseas commitments. In the past decade, U.S. forces, which have included members of the South Dakota National Guard, have been deployed 35 times to places like Panama, Saudi Arabia, Kuwait, Iraq, Haiti, Somalia, Bosnia, Kosovo and even East Timor.

In the 40-year span of the Cold War era, our military was only deployed 10 times. Today, the U.S. Armed Forces are 40 percent smaller but 30 percent busier than they were just 10 years ago. A national strategy that clearly indicates where and under what circumstances deploying American servicemen and women is necessary needs to be developed.

In addition to this increased operations tempo, Congress continues to identify new roles for the National Guard. These include defense against domestic terrorism, national missile defense, and defense against cyber-terrorism.

Members of the South Dakota National Guard form an essential part of our national security team. They are active participants in the full spectrum of operations, from the smallest contingencies to major theater conflicts. They are indispensable forces who truly embody our forefathers' vision. Their dedication to service, Mr. Speaker, and the outstanding manner in which they perform their duties exemplify the notion of the American citizen soldier. And so, Mr. Speaker, I would like to say thank you to them today.

REGARDING AMERICA'S MEN AND WOMEN IN UNIFORM

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

Mr. SKELTON. Mr. Speaker, Washington sometimes speaks with its own language. We talk in this town of taking risks, laying it on the line, or getting out on the edge, when the only cost of failure is to our pride or perceived prestige.

Out there beyond the Beltway, in many cases beyond America's shores, are people who really do take risks. They lay their lives on the line every day and they do so because we ask them to. They are, of course, America's finest, our men and women in uniform. And while some in this town may spare them a passing thought now and again, they are thinking of us, and Americans like us, every day. That is what devotion to duty means.

It is unfortunate but correct to note that those soldiers, sailors, airmen and Marines are never more prominent in our thoughts than when something goes wrong. Our hearts went out to the families of the sterling sailors aboard the U.S.S. *Cole*. We mourned the loss of brave Marines lost in recent aviation mishaps. And today our thoughts are with the families of soldiers killed and injured in an Army helicopter accident.

There is a message in these events, if we care to hear it. It is that even in times of greatest peace, the profession of arms is fraught with hazard. The world demands that we train hard, and realistic training brings real dangers. American interests require that our forces be forward, and those distant waters can mask unseen threats. And the requirement for technological leadership means that flaws in new systems can occasionally take a fearsome price.

So let us give thought on this Valentine's Day, this day dedicated to love, to those men and women who put love of country above all. We are free to speak our minds in this Chamber because, out there, they have accepted the job of keeping us free. We are able to run what we call political risks because they take on mortal risks.

We talk at some length about how to properly compensate our men and women in uniform. That debate goes on. But I would suggest, Mr. Speaker, that we owe a humbling debt to America's servicepeople that goes far beyond the monetary. Indeed, it is not too much to say that, in the framers' phrase, they defend our lives and our sacred honor. Such a gift is truly beyond price.

LITHUANIAN INDEPENDENCE DAY

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

Mr. SHIMKUS. Mr. Speaker, I rise today to commemorate the 83rd anniversary of Lithuanian Independence Day and the 10th anniversary of freedom from Soviet occupation. I am especially proud of my Lithuanian heritage at this time of the year.

From the first Independence Day on February 16, 1918 until their reassertion of their independence on February 16, 1991, freedom from foreign domination has been a hard-earned dream for the Republic of Lithuania.

The Lithuanian people withstood unspeakable abuse under Soviet military forces that occupied Lithuania from 1940 to 1991 with dignity and restraint. In Vilnius, the capital of Lithuania, there are many reminders kept of the sacrifices made for freedom. The Vilnius KGB museum consists of a basement jail that has cells and torture chambers where secret police detained and interrogated Lithuanian prisoners before sending them into Siberian exile. The Lithuanian parliament building hosts a section of bullet-scarred barricades that were used in 1990 to ward off Russian tanks. Also, the Vilnius TV tower, which is the tallest structure in the city, has a monument to the 14 unarmed, freedom-loving Lithuanians who were murdered on January 13, 1991 by Soviet soldiers during their attempt to take over the tower.

In the 10 short years since the reestablishment of its independence, the Republic of Lithuania has restored democracy, ensured human rights, secured the rule of law, developed a free market economy, cultivated friendly relations with neighboring countries and successfully pursued a course of integration into the European Union. 2001 will be another critical year for Lithuania as it works to attract foreign investment and gain admission into NATO. Lithuania deserves our recognition for its perseverance in the

face of immense challenges. It has proven not only to be a faithful friend to the United States but also a tenacious ally, as demonstrated by their recent assistance in our peacekeeping efforts in Bosnia. I hope we will not jeopardize their future security by withholding NATO membership beyond 2002.

In closing, I would like to thank the outgoing Ambassador from Lithuania, Mr. Stasys Sakalauskas, for his service in Washington, D.C. and his dedication to improving U.S.-Lithuania relations. I also welcome the new Ambassador who will be named at the end of this month, and I look forward to working with him.

I urge my colleagues to join me in commemorating the 83rd anniversary of Lithuanian independence.

PERSONAL EXPLANATION

Mr. SHIMKUS. Mr. Speaker, due to the cancellation of my flight, I missed the vote last night on H.R. 2, the Social Security and Medicare Lock-box Act of 2001. Had I been here, I would have voted in favor of the bill.

This legislation signifies our commitment to protect seniors' benefits. It ensures that Medicare and Social Security funds will only be used for their intended purposes and not be spent on other government programs. I believe this is a major step toward long-term reform that will assure all workers and retirees that these programs will be there for their future.

□ 1345

REPEALING THE 5-YEAR LIMITATION ON INTEREST DEDUCTIBILITY FOR STUDENT LOANS

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, today I rise to re-introduce a bill important to all students—H.R. . In the 105th Congress, we passed legislation that allows students to deduct interest paid on student loans. We did this to make it easier for all Americans to bear the enormous costs of higher education, and I supported this effort whole-heartedly.

My bill improves this law by removing the current 60 month limitation period for deducting student loan interest. As the law currently stands, if your student loan is older than 5 years from when it came due, you are not eligible for a tax deduction.

This limitation needs to be removed. Higher education has become increasingly expensive and is creating a financial burden on graduates well beyond the first five years of graduation. According to the General Accounting Office, the average student loan in 1980 was $518; in 1995, it rose to $2,417, an increase of 367%. Tuition at 4-year public and private colleges and universities has risen nearly three times as much as median household income in the past 15 years. As a result, it is becoming harder for students to graduate from college or graduate school without the help of student loans.

Students that graduate with student loans start out a few steps behind those without it. It is harder for them to save for emergencies or to invest money for their future. It is also harder for them to meet day-to-day expenses. This tax deduction will help.

All interest accrued on student loans should be deductible. Congress can send the message that we value higher education and recognize the financial responsibility students have made by allowing the student loan deduction for the life of the loan.

This will do two things: It will encourage individuals to go to college or graduate school, and it will reduce the cost of an education. Mr. Speaker, I believe very strongly that the way to achieve the American Dream is through education, and that everyone should have this opportunity.

It is absolutely essential that we continue to invest in our most important hope for our children—education. I urge my colleagues to support my bill, H.R. .

PUBLICATION OF THE RULES OF THE COMMITTEE ON WAYS AND MEANS, 107TH CONGRESS

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

Mr. THOMAS. Mr. Speaker, I am submitting the attached Committee on Ways and Means rules for the 107th Congress for publication in the CONGRESSIONAL RECORD pursuant to House Rule XI, Clause 2(a)(2).

The Committee adopted these Rules on February 7, 2001.

If you have any questions please contact John Kelliher at x69150.

COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES—MANUAL OF RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE ONE HUNDRED SEVENTH CONGRESS, ADOPTED FEBRUARY 7, 2001

(Prepared for the use of the Committee on Ways and Means by its staff)

FOREWORD

This manual has been prepared to assist Members of the Committee on Ways and Means, its staff, and the public. It presents in two parts various rules that affect the organization and procedures of the Committee on Ways and Means. Part I contains rules adopted by the Committee for the 107th Congress. Part II contains selected Rules of the House of Representatives, which are also a part of the rules of the Committee, affecting all standing committees of the House.

PART I.—RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 107TH CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

* * * 1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

(2) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.* * *

* * * 2. (a)(1) Each standing committee shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *.

In accordance with the foregoing, the Committee on Ways and Means, on February 7, 2001 adopted the following as the Rules of the Committee for the 107th Congress.

A. GENERAL

Rule 1. Application of Rules

Except where the terms ''full Committee'' and ''Subcommittee'' are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its Subcommittees as well as the respective Chairmen.

Rule 2. Meeting Date and Quorums

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. However, the Committee shall not meet on the regularly scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, that two Members shall constitute a quorum at any regular scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one Member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

Rule 3. Committee Budget

For each Congress, the Chairman, in consultation with the Majority Members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the Minority Members, the Chairman shall include an amount budgeted by Minority Members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

Rule 4. Publication of Committee Documents

Any Committee or Subcommittee print, document, or similar material prepared for public distribution shall either be approved

by the Committee or Subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the following disclaimer:

Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members.

Any such print, document, or other material not officially approved by the Committee or Subcommittee shall not include the names of its Members, other than the name of the full Committee Chairman or Subcommittee Chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to its public release.

The requirements of this rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

Rule 5. Official Travel

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any committee staff member in connection with the attendance of hearings conducted by the Committee, its Subcommittees, or any other Committee or Subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The date during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) The names of Members and Committee staff seeking authorization.

In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such Subcommittee to be paid for out of funds allocated to such Subcommittee, prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

Rule 6. Availability of Committee Records and Publications

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

Rule 7. Websites

The minority shall been entitled to a separate website that is linked to and accessible only from the full Committee's website. For any website created under this policy, the Ranking Minority Member is responsible for its content and must be identified on the introductory page.

All Committee websites must comply with House Regulations.

The content of a committee website may not:

(1) Include personal, political, or campaign information.

(2) Be directly linked or refer to websites created or operated by campaign or any campaign related entity, including political parties and committees.

(3) Include grassroots lobbying or solicit support for a Member's position.

(4) Generate, circulate, solicit or encourage signing petitions.

(5) Include any advertisement for any private individual, firm, or corporation, or imply in any manner that the Government endorses or favors any specific commercial product, commodity, or service.

B. SUBCOMMITTEES

Rule 8. Subcommittee Ratios and Jurisdiction

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3, 4, 5, or 6 shall be considered by the full Committee and not in Subcommittee. There shall be six standing Subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; a Subcommittee on Human Resources; and a Subcommittee on Select Revenue Measures. The ratio of Republicans to Democrats on any Subcommittee of the Committee shall be consistent with the ratio of Republicans to Democrats on the full Committee.

1. The Subcommittee on Trade shall consist of 15 Members, 9 of whom shall be Republicans and 6 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means that relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the U.S. International Trade Commission, and the U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with nonmarket economies.

2. The Subcommittee on Oversight shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other Subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the Chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the Chairman of any other Subcommittee having jurisdiction.

3. The Subcommittee on Health shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means that relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters that relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

4. The Subcommittee on Social Security shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means that relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

5. The Subcommittee on Human Resources shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Human Resources shall include bills and

matters referred to the Committee on Ways and Means that relate to the public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means that relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

6. The Subcommittee on Select Revenue Measures shall consist of 11 Members, 7 of whom shall be Republicans and 4 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Select Revenue Measures shall consist of those revenue measures that, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

Rule 9. Ex-Officio Members of Subcommittees

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio Members of all Subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a Subcommittee. However, their absence shall not count against the establishment of a quorum by the regular Members of the Subcommittee. Ex-officio Members shall neither vote in the Subcommittee nor be taken into consideration for purposes of determining the ratio of the Subcommittee.

Rule 10. Subcommittee Meetings

Insofar as practicable, meetings of the full Committee and its Subcommittees shall not conflict. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other Subcommittee Chairmen with a view toward avoiding, wherever possible, simultaneous scheduling of full Committee and Subcommittee meetings or hearings.

Rule 11. Reference of Legislation and Subcommittee Reports

Except for bills or measures retained by the Chairman of the full Committee for full Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate Subcommittee in a timely manner. A Subcommittee shall, within 3 legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a Subcommittee for a reasonable period of time, the Chairman of the full Committee may make request in writing to the Subcommittee that the Subcommittee forthwith report the measure to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the Subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the Subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a Subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least 2 legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives.

Rule 12. Recommendation for Appointment of Conferees

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee Members as the Chairman may designate. In making recommendations of Minority Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

Rule 13. Witnesses

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a Subcommittee shall file with the Clerk of the Committee at least 48 hours in advance of his appearance a written statement of his proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee and the Rules of the House. Failure to comply with the 48-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. In addition to the requirements of clause 2(g)(4) of Rule XI, of the Rules of the House, regarding information required of public witnesses, a witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the Clerk for distribution to Members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must include on his statement or submission a list of all clients, persons, or organizations on whose behalf the witness appears. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or Subcommittee involved. Written statements from noncitizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

Rule 14. Questioning of Witnesses

Committee Members may question witnesses only when recognized by the Chairman for that purpose. All Members shall be limited to 5 minutes on the initial round of questioning. In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall be recognized first after which Members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other Members shall be recognized in the order of their appearance at the hearing. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of Majority Members to Minority Members and the number of Majority and Minority Members present and shall apportion the recognition for questioning in such a manner as not to disadvantage Members of the majority.

Rule 15. Subpoena Power

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the House of Representatives.

Rule 16. Records of Hearings

In accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes that substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure that is the subject of the hearing.

Rule 17. Broadcasting of Hearings

The provisions of clause 4(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a Subcommittee:

(1) An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

(2) No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

(3) Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through an appropriate designee.

(4) Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee Members or witnesses.

(5) Further conditions may be specified by the Chairman.

D. MARKUPS

Rule 18. Reconsideration of Previous Vote

When an amendment or other matter has been disposed of, it shall be in order for any Member of the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

Rule 19. Previous Question

The Chairman shall not recognize a Member for the purpose of moving the previous

question unless the Member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

Rule 20. Official Transcripts of Markups and Other Committee Meetings

An official stenographic transcript shall be kept accurately reflecting all markups and other meetings of the full Committee and the Subcommittees, whether they be open or closed to the public. This official transcript, marked as ''uncorrected,'' shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or Subcommittee office under such controls as the Chairman of the full Committee deems necessary. Official transcripts shall not be removed from the Committee or Subcommittee office. If, however, (1) in the drafting of a Committee or Subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate committee staff person. Such transcript shall be returned immediately after its review in the drafting sessions

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

Rule 21. Publication of Decisions and Legislative Language

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made available to each Member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each Member of the Committee.

E. STAFF

Rule 22. Supervision of Committee Staff

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 9 of Rule X of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 6(d) of Rule X of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

Rule 23. Staff Honoraria, Speaking Engagements, and Unofficial Travel

This rule shall apply to all majority and minority staff of the Committee and its Subcommittees.

a. HONORARIA.—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. SPEAKING ENGAGEMENTS AND UNOFFICIAL TRAVEL.—

(1) ADVANCE APPROVAL REQUIRED.—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approved by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least 7 calendar days prior to the event.

(2) REQUIRED FOR APPROVAL.—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) REASONABLE TRAVEL AND LODGING EXPENSES.—After receipt of the advance approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) TRIP SUMMARY AND REPORT.—In the case of any reimbursement or direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

c. WAIVER.—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

PART II.—SELECTED RULES OF THE HOUSE OF REPRESENTATIVES

Part II of the Manual of Rules of the Committee on Ways and Means consists of selected Rules of the House of Representatives, which are also a part of the Committee's rules and which affect its organization, administration, and operation. The rules cited herein are not exclusive of other rules of the House of Representatives applicable to the Committee, but rather are considered to be some of the more important rules to which frequent reference is made.

REVISIONS TO THE ALLOCATION FOR THE HOUSE COMMITTEE ON APPROPRIATIONS

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

Mr. NUSSLE. Mr. Speaker, pursuant to section 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations. The allocation for fiscal year 2001 printed in the House Report 106–761 is increased to reflect $8,303,000,000 in additional new budget authority and $4,392,000,000 in additional outlays for emergency appropriations, as detailed in the following table:

Subcommittee (Purpose)	Budget authority	Outlays
Agriculture, the FDA and Related Agencies (Primarily for the Commodity Credit Corporation Fund)	$3,563,000,000	$3,088,000,000
Defense (Primarily for the repair of U.S.S. Cole)	249,000,000	185,000,000
Energy and Water Development (Primarily for nuclear nonproliferation)	214,000,000	133,000,000
Foreign Operations (Primarily for debt restructuring and international disaster assistance)	467,000,000	55,000,000
Interior (Primarily for Wildland fire management)	1,689,000,000	710,000,000
Legislative Branch (Primarily for the FHA general and special risk program account)	52,000,000	36,000,000
Transportation (Primarily for federal aid highways)	718,000,000	193,000,000
Treasury, Postal Service and General Government (For the Counterterrorism Fund)	55,000,000	
Veterans, HUD and Independent Agencies (Primarily for FEMA disaster relief)	1,296,000,000	−8,000,000

Those allocation adjustments will change the allocation of House Committee on Appropriations to $609,656,000,000 in budget authority and $636,827,000,000 in outlays for fiscal year 2001. The aggregate total will increase to $1,537,861,000,000 in budget authority and $1,506,048,000,000 in outlays.

Questions may be directed to Dan Kowalski or Jim Bates at extension 67270.

FIRE SAFETY AT THE LIBRARY OF CONGRESS

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

Mr. HOYER. Mr. Speaker, late last month the Office of Compliance reported on its comprehensive fire-safety inspections of the three Library of Congress buildings.

After previous dire warnings over the last two years from the House Inspector General and the Compliance Office about the state of fire protection in the Capitol and congressional office buildings, I had hoped for a better report on conditions at the Library. Unfortunately, the Compliance Office found that the Library buildings suffer from many of the same deficiencies as the Capitol and congressional buildings.

I strongly believe that Congress must take every reasonable step to maximize the physical safety of the thousands who work in the Capitol complex every day and of the millions who visit every year. Congress also has a responsibility to safeguard the numerous valuable artifacts, many of them irreplaceable, which are housed in the Capitol and among the Library's collections.

In view of the Compliance Office's findings at the Library, the new Chairman of the House Administration Committee [Mr. NEY] and I have written jointly to the Architect of the Capitol, who has responsibility for maintaining the Library's buildings, asking for a detailed report on the status of his efforts to correct the deficiencies there. Specifically, we have requested detailed plans, timelines, and an identification of any additional resources needed to complete the task. We have also written to the House Inspector General, who has demonstrated substantial expertise in fire-protection matters, asking his office to participate in regular meetings with Architect and Library staff, offer whatever guidance he deems appropriate, and monitor progress, as he does in connection with ongoing fire-safety work in the House.

Last September the Architect unveiled before the House Administration Committee a staff reorganization plan that places all AOC fire-safety work under the supervision of a single senior-level subordinate, as proposed in a bill (H.R. 4366) that I introduced in the last Congress. The AOC is clearly moving in the right direction and I appreciate the progress he has made. The Chairman and I look forward to working with the Architect to ensure the deficiencies previously noted, and those just identified at the Library, are remedied as soon as practicable. I include for the RECORD the texts of our letters to the Architect and the Inspector General of the House:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, February 7, 2001.

Hon. ALAN M. HANTMAN, AIA,
The Architect of the Capitol,
The Capitol.

DEAR MR. HANTMAN: We have received the recent Office of Compliance report on its fire-safety inspections of the Library of Congress buildings. As you know, the Office found numerous fire-safety deficiencies in the three Library buildings, the same types of deficiencies found last year during thorough inspections of the Capitol and congressional office buildings. We are greatly concerned about the report and the grave danger posed to Library employees, visitors, and to the Library's enormous collection of books and artifacts, many irreplaceable, by decades of inadequate attention to fire-safety matters. We know you share our concern, and trust that you also share our determination to see these additional deficiencies corrected at the earliest possible date.

Toward that goal, we ask that you provide us immediately with a comprehensive report on the status of AOC efforts to correct deficiencies found in the Library buildings. Please provide detailed plans for the correction of deficiencies that remain uncorrected, including an identification of any additional resources that you may need to complete the work and timelines for its completion. We also ask that you assess the level of fire protection now afforded to the Library's most valuable artifacts, and indicate how you will prioritize the correction of deficiencies related to their protection.

We appreciate the progress that AOC has made in addressing fire-safety deficiencies in the House office buildings since the Inspector General's and Compliance Office's previous reports. We hope the Library can benefit from the AOC's experience in addressing those deficiencies. In that vein, we encourage you to incorporate into your approach for the Library the use of frequent, regular meetings among AOC, Library, and House Inspector General staff, to coordinate efforts and facilitate communication. A similar approach has worked well in the House.

Thanking you for your prompt attention to this request, with kindest regards, we remain

Sincerely yours,
BOB NEY,
Chairman.
STENY H. HOYER,
Ranking Minority Member.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, February 7, 2001.

Hon. STEVEN A. MCNAMARA,
Inspector General, House of Representatives, Ford House Office Building.

DEAR MR. MCNAMARA: As you know, the Office of Compliance just reported on the results of its fire-safety inspections of the Library of Congress buildings. The Compliance Office found numerous fire-safety deficiencies in the three Library buildings, the same types of deficiencies that it and your office found during prior inspections of the Capitol and House office buildings. We are greatly concerned about the danger posed to Library employees, visitors, and to the Library's valuable collection of books and artifacts, many irreplaceable, by the effects of decades of inadequate attention to fire safety. We are eager to help the Architect of the Capitol reverse these effects.

Your office has considerable expertise in such matters, and you continue to oversee the Architect's efforts to correct fire-safety deficiencies in the Capitol and House buildings. We write to ask that you similarly monitor the AOC's work to correct the fire-safety deficiencies at the Library, offer the AOC and the Library whatever guidance you may deem appropriate, and keep the Committee apprised of progress. As work progresses, should you have any concerns, please bring them to the Committee's attention immediately. To coordinate efforts and facilitate communications, we have urged the Architect to incorporate into his approach at the Library a plan to conduct regular, frequent meetings among AOC staff, Library staff and your staff, as he has done in the House.

Thanking you for your attention to this matter, with kindest regards, we remain

Sincerely yours,
BOB NEY,
Chairman.
STENY H. HOYER,
Ranking Minority Member.

BUDGET PRIORITIES AND FISCAL RESPONSIBILITY

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

Mr. MORAN of Virginia. Mr. Speaker, the most important issue facing this Congress is the amount of the tax cut that has been proposed by the President and by the majority party, and a majority of Americans apparently think that this tax cut would be in their best interests. Today I would like to make five points why I disagree, and try to explain why I think a cut of this proposed magnitude is potentially disastrous.

The five points that I would like to make are, one, CBO's 10-year surplus projections are highly unreliable; secondly, the tax cut is skewed to benefit those who need the assistance the least; third, I believe that this tax cut is fiscally irresponsible in that it is substantially understated; fourthly, the tax cut ignores the financial catastrophe that we know is going to occur when the baby boom generation retires in another few years; and, fifth, it does not address what I believe is our highest priority, which is to pay off our public debt before we do anything else with the surplus.

On point number one, Mr. Speaker, the projections upon which we assume that we can afford the tax cut are highly dependent upon economic performance that is, at best, uncertain in the near term, and really has no credible basis over the long term. CBO has increased their estimates from 2.8 percent to a little above 3 percent annual growth, but if they are off by as much as eight-tenths of one percent, $4 trillion of the surplus goes away.

GAO Comptroller David Walker testified before the Congress that ''no one should design tax or spending policy pegged to the precise numbers in any 10-year forecast.'' He also said it is important to remember that while projections for the next 10-year period look better, the long-term outlook looks much worse.

Mr. Speaker, secondly, it is important to understand that the effect of the tax cut applies primarily to those who in fact pay the most taxes. But the top 1 percent, people whose incomes are over $320,000 a year, now pay about 21 percent of the taxes. One percent pays 21 percent of the total Federal taxes; yet they would get 43 percent of the benefit. Eighty percent of the population would receive less than 29 percent of the entire tax cut benefit.

Thirdly, Mr. Speaker, while the tax plan proposes a $1.6 trillion cut, it does

not include the additional interest costs that are incurred because it is not applied to paying down the debt. It also raises the number of people who will be subject to the alternative minimum tax from 2 million today to 27 million households by 2010. Virtually everybody over $75,000 over a year in income is going to get hit with the alternative minimum tax. They are going to be screaming at the time, and we are going to have to fix it at a substantial cost that is not factored in here. I should also say the estimates do not protect military retirement nor civil service retirement.

Fourthly, the baby boomer crisis. Once the baby boom generation that was born right after World War II starts to retire, we are going to be in the position of only three workers for every retiree. That creates a situation that is untenable. So after we get out past 2011, when all these estimates are pegged, we are going to find that for the next life span we are as much as $22 trillion short in Social Security and $12 trillion short in Medicare.

The best thing we could do right now is to currently fund that unfunded Social Security liability. If we put $3.1 trillion aside, as we would do if we were facing this in our own family or in a private corporation, we could fund that unfunded liability and not leave that burden to our children and grandchildren to do so.

Lastly, Mr. Speaker, let me say that our highest priority should be to pay down the debt. That is the best way we can invest in our future, and that is the best gift we can give to our children and grandchildren. We do it in our own family; we ought to do it in the Nation's best interest as well.

THE ECONOMIC FUTURE OF AMERICA

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

Mr. BOYD. Mr. Speaker, it is a real pleasure to be here today to talk about something I think that is critically important to the future of this country. I want us to look, if we will, deep into the 21st century, and I think we start that by looking back historically and seeing where we have come from. I want to talk a little bit about the economic future of this country.

Mr. Speaker, after all, as a government, the people of this country expect us to be an economic model, to provide a structure, an economic structure, that will enable the private sector to flourish.

It has worked as well, Mr. Speaker, as any plan that has been put together in the history of mankind. We have something here in this country that is very special. This economic model, this experiment we are on now for over 225 years, has taken us to be the most powerful Nation in the world, not only economically, but also militarily and politically.

Let us look back, Mr. Speaker, just a few short years, back into 1990. We just came out of the decade of the '80s. Ronald Reagan had served us 8 years wonderfully as our President. He had spent a lot of his time focusing on the Soviet Union and the Cold War, and actually we saw the fall of the Soviet Union in the late decade of the '80s.

But if you looked at what was happening fiscally in our country, Mr. Speaker, at that time, we were in pretty bad shape. Economically we were headed down the wrong path. If you go back to 1990, you would have found annual deficits in the range of $250 to $300 billion a year. You had a mounting debt that was climbing a quarter of a trillion dollars annually.

Many of us who were in the private sector at that time thought that the economic experiment that we were involved in in this country was headed for an economic disaster as we moved toward the 21st century.

But as you know, in 1990, with the leadership of President Bush, the first step was taken to change the economic direction of this country. As a matter of fact, those changes, led by President Bush, probably cost him his reelection in 1992.

Then again in 1993, under the leadership of President Clinton, another big step was taken to sort of build the wall around that foundation that President Bush had built to get us headed back in the right direction. With that economic plan in 1993, this government, this economic model that we are involved in here, began to head in the right direction and lower its deficits and head toward a day where we could actually pay our bills on an annual basis and would not be swallowed with red ink.

I know when I ran for Congress in 1996 it was the major campaign theme. The major campaign theme was balancing the budget, removing the deficits, the annual deficits that we had. So this is not something that is new, not something we just started talking about. This is important stuff for the long-term health of this country.

Under the leadership of the House and the Senate, Speaker Gingrich, Majority Leader LOTT in the Senate, and President Clinton, in 1997 a Balanced Budget Act was put into place, put into law, which was a plan, a blueprint, to lead us out of red ink and lead us into an era when we could actually pay our bills. This model we have is so wonderful that we actually achieved that goal of getting away from deficits about 5 years ahead of that schedule. The 1997 Balanced Budget Act had us balancing the budget in, I think, the year 2003–2004, but we actually achieve that about 3 or 4 years ahead of that schedule. We have a wonderful window of opportunity here now to continue the work, to continue the job.

Mr. Speaker, the budget process is like a business plan. It is like a business plan that our businesses all across this Nation do on an annual basis. They sit down and they look at what kind of business they want to do, what their objectives are, what parts of their business they have to fund, what revenue they can expect to come in, and then they put all that together in a budget and then they go out and implement it.

Mr. Speaker, that business plan allocates, in the case of our Federal Government, limited Federal resources to our priorities that we think are important.

Mr. Speaker, the surplus is currently projected at $2.7 trillion. That is if we do not use Social Security and Medicare. We all know the CBO, Mr. Speaker, which I have a summary here which we want to examine a little bit closer as we spend some time in this next hour, the CBO report talks about a $5.6 trillion figure over the next 10 years, and that is true; but we know that of that $5.6 trillion, that about half of it is money that comes into the Social Security trust fund and the Medicare Trust Fund.

So we really ought to all get on the same page and talk about the current surplus, the projected surplus, Mr. Speaker, being at $2.7 trillion, because even just as late as yesterday this House voted, I think unanimously, to reinsert its belief that the Social Security funds and the Medicare funds ought to go in a lockbox, and they ought not to be touched for any purpose, other than those two specific purposes.

So, Mr. Speaker, we want to spend the next hour examining some of the priorities that this Nation needs to deal with as we have this debate about surpluses, about tax cuts and about our economic plan.

Mr. Speaker, at this time I am glad to recognize the gentleman from Texas (Mr. STENHOLM) to spend a few minutes talking about his perspective.

□ 1400

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for taking this time today.

I hope that everyone will pay particular attention to some of the comments that many of our colleagues are going to be making. We will have the gentleman from Mississippi (Mr. TAYLOR), who will be on the floor momentarily, and will talk very accurately about the fact that we really do not have a surplus.

When we look at the Social Security trust fund, the Medicare trust fund, the

Military Retirees trust fund, highways, airports, that really and truly, there is no $5 trillion, 600 billion surplus.

We ask our colleagues, particularly our friends in the majority, to not just look at part of the CBO report, but take a look at the whole report. Notice where they make a very sound observation in that, first off, projecting the economy of the world for 10 years is almost impossible. No one pretends to be accurate. Yet, here we are now all of a sudden taking 10-year projections, and we hear $5.6 trillion of surpluses, and we have folks beginning to act like it is real, really beginning to say, ''We are going to spend that money like it is real.''

Here we ask Members to consider one major fact, that 70 percent of the projected surpluses that we are talking about do not occur until the years 2007, 2008, 2009, 2010, and 2011. Who of us can project tomorrow, much less 2011?

When we go past 2011 for this same CBO report, the $5,600,000,000,000 surplus, they show through another chart that we have serious problems. In fact, it is projected in the next 20 years after 2010 we will be consuming 200 percent of our gross domestic product every year. We all know if that were to happen, if it were to happen this year, that Congress would have a very difficult time dealing with that kind of an economic situation.

What the Blue Dogs have suggested in the past, are suggesting today, and will be suggesting tomorrow, let us understand a few basics: The $5 trillion, 600 billion number we have here is a projected surplus. We think the conservative thing to do is to be conservative with those surpluses.

As the gentleman from Florida (Mr. BOYD) observed a moment ago, the actual number of these projected surpluses that we have to deal with is 2.7, because we have already decided in an almost 100 percent bipartisan way that we are no longer going to spend the Social Security and Medicare surpluses in the unified budget. We are setting them aside in a lockbox.

Now, I was not very happy with the cuteness of the vote yesterday, of the actual bill yesterday, because it left a loophole. I hope the American people will hold us accountable not to the loopholes of being able to potentially spend these trust funds twice, which was possible by that resolution yesterday, but to really and truly mean it when we say we are not going to spend, and let us put it more positively, we are going to take this short-term benefit that we have with Social Security in which we are taking in more than we are paying out to today's beneficiaries and we are going to take that money and pay down the debt held by the public.

That is good. When I say that is good, that is being interpreted by the markets as being good. Everyone perhaps looking right now or listening to this right now should ask themselves, and answer a simple question, would they rather have 6¾ percent home mortgages or 9¾ percent home mortgages? When we are buying a new car, would we rather have a 6, 7, 8 percent loan, or an 18 percent loan?

As a result of the economic policies that have been followed over the last 8 or 10 years and the budget actions taken by the Congress over the last 6 or 8 years, we now find ourselves in a position in which the markets are reacting. Yes, we are collecting more tax revenue because people are making more money. That is good. That is not bad. But the question we have to ask is, how long will it continue?

We had a budget alternative, the Blue Dogs, last year which focused on reducing the national debt. This is our budget again this year. We had a budget that focused on saving Social Security first. My personal preference is, I wish we would have had the first serious discussion on this floor this year on saving Social Security and Medicare.

I happen to represent a rural district, and my hospitals and now my nursing homes, my nursing home constituency has been pointing out over the last several months, we are hurting, too. The BBA of 1997 reduced the reimbursement rates of the nursing homes, as well as the hospitals, below what it cost them to stay in business. We have to address that, and that is going to cost some money.

I want to make it very, very clear, the Blue Dog Democrats favor cutting taxes. We are very strongly in favor of dealing with the marriage tax penalty; a perfect day to discuss it, Valentine's Day. We are for it. We will vote for it. We encourage it to be in the final package.

We are for dealing with the estate tax, the so-called death tax. We believe that it is not helpful to have a penalty assessed to a small businessman or woman that spent a lifetime building up their business, and it will be in our budget.

We would like to see across-the-board tax cuts, if that is possible for us to do.

Some of us, myself being in this category, I would like to see us take this opportunity now to do more than just complain about the energy problems of this country.

A couple of years ago we had a depression in the oil patch. No one was worried about the domestic oil and gas producers, who were going broke in droves because no one can produce oil and gas at $7 a barrel, but no one was concerned about it then because we were all enjoying the cheapness of energy.

Well, today everyone, including those of us living in the oil patch, are complaining about the price of energy. Why would this not be a good time to look at using the Tax Code to accomplish some much needed improvements in our energy policy in this country?

A simple question I ask, and unfortunately it is not in the President's plan yet, but the President has said, I am amenable to change. I have submitted my plan to the Congress. We would like to hear Congress's opinion on where we go. I would like to see us deal with this.

I would like to see us deal with some environmental incentives, some production incentives, doing some things we clearly need to do for the benefit of this country. Most everyone would agree to that. There are a lot of things going on on both sides of the aisle to prepare us for this national energy policy. I mention that because that is not in the current numbers we hear being kicked around.

I know I have other colleagues that want to take a little bit of time now, so let me kind of summarize where we are as far as the Blue Dogs' input into the budget considerations this year. I can summarize it pretty quickly: Let us bring a budget to the floor of the House first. Let us not bring tax bills to the floor that everyone will feel inclined to vote for because they do not want to explain why they are opposed to it. Why not deal with the budget first, bring the budget out, and agree on what the budget should look like.

Here it is pretty simple. In a $5.6 trillion projected surplus, Social Security is 2.5 of that, Medicare is .4 of that, that leaves $2.7 trillion. How much of that $2.7 trillion surplus can we afford to spend on a tax cut? That is a simple question.

A lot of folks are saying, ''There he goes, he is talking about spending like it is their money. Taxes are our money.'' No, let us not continue to forget that the Social Security system has an unfunded liability of almost $9 trillion. Part of that money we are talking about I think needs to be devoted back to saving Social Security. That is not in the current discussions that we hear. Medicare, the same.

For military retirement, we will hear from the gentleman from Mississippi (Mr. TAYLOR) in a moment, it is several hundred billions of dollars. Let us deal with that first. Then let us also agree how much additional spending we want to make in the area of defense. How much is it going to be required to make sure we maintain the strength of America that has allowed peace to become a prevalent word in this world today? How much?

We are going to build a missile defense system. The cheapest version I have heard is $50 billion over the next 10 years, probably more than that. So we are saying, let us have a tax cut. Let us put at least half of that projected surplus, though, against the debt. Let us have an absolute tough decision on spending.

Let us revise or bring back what worked so well for us over the last several years, at least prior to 1997. Let us put some caps on discretionary spending that we agree to, numbers, and then let the appropriators spend that money, but let us stay within that discretionary level.

We can do it. It can be done. We can meet the needs of defense, of veterans, of education, of health care, of agriculture. We can do all of these things if we truly reach out in a bipartisan way.

That term is getting overworked, but here today, we are on the floor. We would love to have a discussion with someone on the other side of the aisle regarding some of the points that I have made, that the gentleman from Florida (Mr. BOYD) has made, that our other colleagues will make here in a few moments.

The basics are, we think we ought to have a budget first. Let us have that debate first, and then let us debate the makeup of the tax cut and how much money we are going to spend or save. But even more importantly, let us not forget that the first priority today should be saving Social Security first. If we do not do that, if we do not make a serious effort to do that this year, it will be postponed for another 4 years, because we will never be able to bring it up in the climate that will be present here.

Mr. BOYD. Mr. Speaker, I thank my friend, the gentleman from Texas, who has been in this Congress a long time and is recognized as probably the major deficit hawk in Congress. I know that he is very pleased that we have come so far with the 1997 Balanced Budget Act, and I know that he is somewhat pained by the fact that we may be reversing that policy with really good spending caps in place.

I say to the gentleman from Texas, the 1997 Balanced Budget Act did put into place some very good spending caps. Those have expired I think as of this year. I really believe that it may be time for Congress to look again at what worked for us in 1997 and has really helped us tremendously, and hopefully we would take another step on the spending side to make sure that we do not let spending run out of control again.

Mr. STENHOLM. If the gentleman would yield again briefly, Mr. Speaker, the problem with the 1997 budget caps were that they were unrealistic. There was not anywhere close to a majority on the majority side of the aisle to live up to it. Therefore, it is extremely important that when we set the caps, be realistic. We have to increase money in the defense of this country, I will say that.

As I say that to the gentleman, I am talking about spending the people's money, because Congress does not make money. The only way we get money to spend is we have to tax people to get it. I am prepared to say, we have to spend a little bit more of our taxpayer dollars on defense. So let us put that in the budget. Let us not be unrealistic, as we were in saying we are going to increase defense but we are going to cut health care, we are going to cut agriculture, we are going to cut highways, we are going to cut justice, knowing the votes are not there.

This is where bipartisanship has to come forward. We will have a significant number of Democrats and a significant number of Republicans that can agree on a realistic set of caps.

Mr. BOYD. Reclaiming my time, Mr. Speaker, I think the important point is that any prudent business person would establish what the spending levels are first before they begin to implement any part of the budget. I think that is what the gentleman is recommending.

Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER), another leader in the Blue Dogs. He came in the same year as I did, after the 1996 election, and he has been a leader on these budget issues.

Mr. TURNER. Mr. Speaker, I thank the gentleman for yielding to me. I appreciate the opportunity to share this hour with my fellow Blue Dog Democrats, the voice of fiscal conservatism in this House. We have worked long and hard on fiscal issues: paying down the debt, cutting taxes, balancing the budget.

I am glad to be here with the gentleman from Florida (Mr. BOYD), the gentleman from Texas (Mr. STENHOLM), my colleague, the gentleman from Utah (Mr. MATHESON), and the gentleman from Mississippi (Mr. TAYLOR), to talk about what will be the dominant issue in this Congress for the next several months.

I think we all understand that when we began this Congress, we all shared a commitment to try to work together in a bipartisan way. I was pleased to see President Bush, who I served with when he was Governor of Texas, come with a pledge to try to work in a bipartisan way, because for too long the two parties in this House and in this Congress have warred with one another in such a way that the American people have become tired of seeing the bickering that exists here, and perhaps we have an open window of opportunity to work together in a more congenial and more bipartisan way in the common interest of all the American people.

□ 1415

Mr. Speaker, I think the President's first test of bipartisanship will probably be the proposal on tax cuts. The Blue Dog Democrats believe there are two ways to put more money in the pockets of the American people. One is to cut taxes, two is to pay down our national debt and realize the lower interest rates that will flow for all Americans if we are fiscally responsible enough to pay down our national debt.

It is not only the right thing to do for our children, not to pass that big debt to them, but it is the right thing for all Americans, because the combination of cutting taxes and paying down debt will put more money in their pockets.

Economists estimate that if we can pay down our national debt, the publicly-held portion of it, over the next 6, 8 or 10 years, that we can lower interest rates by 2 percent for all American families. Now, that is a big deal, if you have to borrow money.

I come from a poor district, where people have a relatively low average annual income, and a lot of folks I represent have to go to the bank occasionally to borrow money to buy a new car or to borrow money to buy a new home or to borrow money to send their children to college.

For a family that has to borrow $115,000, for example, to buy a new home, if they pay that out on a 30-year mortgage at a fixed rate, 8 percent interest would cost them a monthly payment of $844. If we can get interest rates down just 2 percent for that family, that monthly payment would be $155 less. That is $1860 a year that we could put in the pockets of that family if we could get interest rates down.

Paying down the national debt not only will prevent us from passing on that terrifically huge debt to our children for them to figure out how to pay off, but it will put money in the pockets of American families today; so that is the choice.

Are we going to be for the big tax cut that does not allow us to pay down the national debt, does not allow us to protect and preserve Social Security and Medicare for the future, that does not allow us room to strengthen our national defense? That is the choice that the American people and this Congress have.

I know we all believe in tax cuts, and I want the biggest tax cut that we can afford, but this Congress must operate the same way that we all know we must operate in our own households. When we sit down at the beginning of the month, we balance our checkbook and we determine what our income is, and we divide that income up among the bills that we owe.

If there is something left after we pay our bills, then maybe we can go out for a fancy dinner or maybe we can even decide to buy a little nicer automobile or maybe we can afford to take a trip, but at my household, and I know at yours, we decide that on a month-by-month basis.

I do not know anybody who has ever sat down at the kitchen table and said, talking to their wife, you know, honey, I think, that we are going to be able to afford some things on down the line. I think I will probably get a raise every year for the next 10 years. And since I probably think I may get a raise, that

means we have a surplus, and I think we ought to go ahead and spend that surplus now.

That is what this Congress is doing when this Congress decides to cut taxes in an amount equal to the surplus that is estimated to arrive here over the next 10 years. You would not do that at your household, and this Congress should not do it either.

We really have a very fundamental issue that I think every American family can understand. When you owe money, you pay your debt first. And if there is anything left, then we can cut our taxes, or we can spend on something like national defense or something that this Congress would like to support.

These budget estimates of surpluses are really funny numbers. We tell the Congressional Budget Office to develop an estimate of how much money might come into the Treasury over the next 10 years under a whole bunch of assumptions that do not make a whole bit of sense. One of the assumptions is that Federal spending go up at the rate of inflation.

Government spending, for the last 5 years, even under the Republican Congress, and all of us who have joined with them trying to hold down spending, government spending still went up at the rate of the gross domestic product. That is a fancy word, but it is a number that is bigger than inflation.

If we just continued to spend on defense at the rate of the gross domestic product, $450 billion of this surplus we are talking about over the next 10 years would disappear. If we simply continue to spend on education at the rate of the increase in the gross domestic product, $400 billion of that surplus would disappear.

What makes us think, after all of the efforts that we have made to be fiscally conservative and to hold down spending for the last 5 years, that we are going to be able to do even better than that? I hope we are better than that, frankly, but to cut taxes in an amount that prevents us from being able to meet the legitimate need of this country in areas like national defense is foolish.

I am convinced that the tax cut that the President has proposed is too big. We simply cannot afford it. So what can we afford? I think the Blue Dogs have a reasonable plan. We have always said, as this whole Congress has repeatedly pledged, we will not touch the surplus that accrues in the Social Security trust fund or the Medicare trust fund. Those trust funds are going to need every penny that will accrue in those funds.

What do we have left even under the optimistic estimate? We have about $2.7 trillion over 10 years. The Blue Dogs have said repeatedly take half of that and use it to pay down our national debt; take 25 percent of it and let us cut our taxes and let us set aside 25 percent to be sure that we save Social Security and Medicare and strengthen national defense and provide our kids with the kind of education that we know they need.

That is a fiscally conservative approach to budgeting, and the Blue Dogs believe foremost of all that we have to have a budget first.

The President sent his tax cut down here the other day. He has not sent his budget yet, and he has pledged to us that his tax cut will fit within his budget. Frankly, I do not think it will, but even if he moves the numbers enough to make it fit, there is going to be some things that will have to be neglected that I think most Americans want to protect; foremost among those is to protect Social Security and to protect Medicare.

Our seniors and those of us who will soon be seniors deserve the protection of a sound Social Security system, and we need to protect Medicare. Health care costs are going up. Many of the hospitals in my rural district are threatened with closing. I want to protect Medicare because those hospitals depend largely upon Medicare revenues to keep the doors open.

We believe in fiscal responsibility. The Blue Dog Democrats are going to fight for fiscal responsibility, and I am glad to join my colleagues on the floor today to advocate what I think is in the best interests of the American people.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER), my friend, one of the leaders of the Blue Dogs, for his fine leadership on these issues.

Mr. Speaker, I yield to the gentleman from Utah (Mr. MATHESON), one of our new Members.

Mr. MATHESON. Mr. Speaker, I want to say to the gentleman from Florida (Mr. BOYD), it is a pleasure to be here today to talk about the importance of fiscal responsibility.

Mr. Speaker, I would like to tell the gentleman that when it comes to this type of issue, I am true to my Scottish heritage when it comes to money, especially the people's money.

I do not like deficits, and I do not like debt. It means that we live within our means. I come from the State of Utah. I feel the way a lot of my constituents feel. We conduct our lives in a way where we live within a budget. We try to face the future in a way where we pay down our debts when we have the opportunity to do so, and we try to plan for the future and invest in the future to make the world a better place for our children.

That is the type of attitude I think we ought to have as we approach this budget issue here in Congress, and that is why I am so proud to be associated with the Blue Dog coalition.

The Blue Dogs was first introduced to me when I was a candidate, and we sat down and we shared our thoughts about budget issues, about our desire to pay down the debt. Issues that make sense to me. Common sense solutions.

The Blue Dogs have a reputation of being up front with people about telling the truth, about trying to cut through a lot of the rhetoric that we have in terms of addressing such important issues. That is why I am proud to be here today with my fellow Blue Dogs to talk about these issues. I think as we look at this issue, it is important that we have the right perspective.

I have learned in my life as a businessman and in my personal life that it is very easy to get caught up in the short term day-to-day pressures and emotions of the moment, and that dominates your perspective. And, yet, we all recognize the benefit of taking a step back and taking the longer view when we make decisions.

We make better decisions when we do that; that same applies to Congress. I think too often we have a short-term perspective here. People look out to the next election when they make decisions.

We should not be driven by the next election. When we are making decisions, we should be looking at the next generation in how we make decisions on these important issues of maintaining fiscal responsibility, that is the perspective that I would like to have brought before this whole House of Congress.

Let us make it clear there will be tax cuts this year. I have certainly campaigned on the notion of tax cuts in terms of addressing the marriage penalty and estate tax issues, and I think there is great support within Congress to pursue that type of tax cut.

As we move forward in this tax cut discussion, I would offer a quick list of five items that should be considered, common sense considerations, that ought to be included in any discussion of these issues.

The first is that let us be up front about the nature of these budget projections. We ought to be skeptical about this. We are talking about a 10-year projection, and what is interesting is over 70 percent of the projected surplus takes place in the second 5 years.

Does it really make sense for us today to make a commitment assuming that is going to happen then? What is the rush to make that decision today? The responsible thing to do is to live within our means, do what we can to try to have our economy grow. And we hope that surplus occurs. We should all do what we can to make that occur, but let us be skeptical about the notion that this surplus is definitely going to happen.

I am a businessman. I have dealt with projections before. When we make projections of the future, the one thing we know, the minute we write it down

on the paper is it is probably going to be wrong, so we ought to be cautious and we ought to be smart about that.

But let me talk about a future prediction where we can be certain, that is the second consideration we ought to keep in mind. The second prediction about the future is that we are going to have a whole bunch of baby boomers starting to retire in about 10 years, so wherever the economy goes, we know, in terms of the demographics of our country, we are going do have a lot more people moving into the retirement phase of their lives, and that is going to place far more pressure on Social Security and Medicare.

We have the opportunity now, while times are good, to address that issue. Let us not squander the prosperity we have today with short-term thinking. Let us take that longer view when it comes to Social Security and Medicare.

A third issue I will mention, a consideration we ought to think about as we look at these tax cuts. Most of us have put together a budget in our lives. Those of us in the business world have done that a lot. Everybody has probably done it for their own household, and when we look at a budget, simply stated, you look at money in and you look at money out. You have revenues and you have expenses, and you match them up, and you figure out what makes sense.

Right now we are only looking at half of that equation. How can we, as an institution, make informed decisions about tax cuts which affect the revenue side without also understanding how it fits with projected expenses?

□ 1430

I say that if we are going to behave in a responsible manner, it is important to look at the whole budget before we make decisions.

Fourth, the issue we ought to remember is let us recognize the true cost of any tax cut. The projections we have right now about the surplus are based on nothing happening, on taxes staying the way they are now. If we do have that surplus, the assumptions in these projections are that we are going to pay down our debt. As we pay down the debt, we lower government spending on interest on that debt. If we are going to cut taxes, there is going to be a corresponding increase in government spending because we are not going to be paying down the debt as fast and there is more of an interest expense.

We are going to pursue tax cuts, but as we talk about it, let us be honest. Let us talk about the full cost of any tax cut that we pass in Congress. There is a cost in terms of increased interest because the debt will not be paid down as fast.

A fifth point that is a consideration, as we look at tax cuts is the notion that paying down the debt creates so many benefits, so many benefits in the short term, so many benefits in the long term. We bring down interest rates. That is good. We give ourselves greater flexibility if we remove that as part of government spending. Right now interest is the third highest expenditure of the Federal government behind Social Security and defense. We all like the notion of trying to cut government spending. This is an easy one. All we have to do is show some discipline, pay down our debt and lower expenditures on interest. That makes sense to me.

I think that it is important to have this discussion today as Blue Dogs, but I think it is important to have this discussion with our friends across the aisle. If we can take that longer view and set aside considerations of just the next election, there will be a better opportunity to have some bipartisan consideration and to really affect this in a positive way. We ought to have a bipartisan agreement to be fiscally responsible. I think we share a lot of values on both sides of the aisles. I am convinced that the Blue Dogs are prepared to engage in those discussions.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Utah (Mr. MATHESON) for coming. He is obviously going to be a very productive and bright Member of this Congress as we move through these critical times for this Nation.

Next, Mr. Speaker, I want to call on the gentleman from Mississippi who has been a leader on military views, particularly issues which relate to the welfare of our troops, all of our military men and women around the world; and obviously our national defense is maybe the most important role of this Federal Government.

The gentleman from Mississippi (Mr. TAYLOR) is going to spend some time now talking about the budget, and I am honored to yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman from Florida for this opportunity.

If I were to walk into a town hall meeting and tell the people there that I discovered this magic cure to where our Nation can quit wasting a billion dollars a day, I would think that they would be excited about it.

People always say how about stopping wasteful foreign aid, which is about $13 billion, or why can we not cut back on food stamps which is about $30 billion. A $1 billion a day is $365 billion a year. If I can tell you that I had a way to quit wasting $1 billion a day of your tax money, I think you would be excited about it.

It is that easy. We just pay off the national debt. Each day this Nation squanders $1 billion in interest on the national debt. We did it yesterday, we did it the day before that, and we will do it tomorrow; and by the way, we are going to do it every day for the rest of your life until we pay off the national debt.

With that money do we educate a child, build a road, contribute to national security, fulfill our promise of lifetime health care to our retirees, no. That is why it makes it the most wasteful thing that we do as a Nation, is squandering your tax money in interest on the national debt.

What troubles me in this whole tax cut debate is how many of my colleagues from the Republican party are ignoring the fact that this Nation is $5.7 trillion in debt.

All of us have a tendency to think, well, I am 47 years old so I guess my generation has done my share of that debt because the Nation has been around for a long time. I wish that was true; but it is not. You see, almost all of the debt has occurred since 1980. And I think 1980 is a magical year. I hope we will keep it in mind during this whole debate. People say the Reagan years were a model for prosperity. They cut taxes and revenues went up and everything got better. Not quite true.

Actually during the Reagan administration with a Democratic House and Republican Senate, the debt doubled. All of the debt in the first 200 years of our Nation doubled in those 8 years. It set in motion a series of events which continued to get worse and only got better this last fiscal year when the Nation, for all of the talk of huge surpluses, had a tiny $8 billion surplus after we take into account the trust funds.

One of the things that I fear my Republican colleagues are doing, and I hope I am wrong and I want to give them an opportunity to tell me I am wrong, is misleading the American public as to the true nature of the debt. These are trust funds, and the key word here is trust. People in the military trust that money is set aside to pay for their retirements which adds up to $163 billion. They trust that that money is set aside and will be there to pay for their retirement.

Mr. Speaker, Americans know that a portion of their salary is taken out every month in their Social Security payment; and they trust that that money is being set aside so that when they retire, it will be there to pay their benefits. Americans who have a job also know that they are paying into the Medicare trust fund. Again, they are trusting their Nation to take that money and set it aside so when they get old, and if they get sick, we are going to help them with their medical bills.

Those people who work for our Nation have a trust fund as well. It is called the Federal Employees Retirement System. Again, money is taken

out, it is supposed to be set aside so it is there to pay their benefits when they retire.

The net value of all of these trust funds is $2.348 trillion. But let me tell you the bad part. There is not a penny of it anywhere in any bank anywhere in the world. All there is for the $2.348 trillion are a bunch of IOUs. So when my Republican colleagues and our new President talk about all of this money laying around in Washington, I challenge them to show me where that $2.348 trillion is. It is not there.

And so would you not think that since honesty is going to be the order of the day under this administration, the most honest thing that we could do is pay back the money that we owe them. The military retirees who defended our Nation in places like Vietnam, Korea, Kosovo, Desert Shield, Desert Storm, do you not think that we ought to honor their commitment by paying them back the $163 billion that we owe them?

How about the folks that have paid into Medicare with the assumption that that money is going to be there when they get old. Do you not think that we ought to pay that money back? And it is to date $228 billion that we owe. It is gone. All we have is an IOU.

How about Social Security. Between old age survivor's insurance and the disability under Social Security which you paid into, we owe you $1.66 trillion. How can there be a surplus when we owe you that much money. Their buzz word is it is your money. They are right, and I think we ought to pay it back. I think that is a higher priority than giving some Americans a tax break. The groups that I talk about constitute every American, and the most honest thing that we can do is pay you back.

So let me tell you what has happened in the first 11 days of the Bush administration that troubles me. This publication used to come out at the end of the month for decades. It was called the Monthly Statement of the Public Debt. It was available on the World Wide Web for every American to see on a monthly basis, whether the politicians were paying down the debt or making it bigger. Within 11 days of the Bush administration taking over, what forever was called the Monthly Statement of the Public Debt of the United States was changed to the Monthly Statement of Treasury Securities of the United States.

Now, I have just got a hunch if I were to walk into a restaurant or coffee shop anywhere in America and went up to an unsuspecting couple and said would you like some of the public debt, they would probably tell me, no. That is your problem. But if I went to that same couple and said how would you like some Treasury Securities, they would probably take me up on that deal.

Do you remember the book 1984 where when there was a word they did not like, they came up with a new word to disguise the nature of it and they called it ''news speak.'' Folks, this is news speak. This is an attempt by the Bush administration to mislead the American people as to the true nature of the public debt; and it is wrong. I have written the President. I do not think that he personally did it. I think somebody in his administration did it, but I want him to be aware of it. I think it ought to be changed.

Mr. Speaker, I think it is time we as a Nation were honest with the American public and paid them back the Social Security that we owe to them; paid them back the Medicare that we owe to them; paid the military retirees the money that we owe to them; and paid the Federal employees the money that we owe to them.

Mr. Speaker, after we fulfill those commitments, then we start looking for new ways to give some American tax breaks.

Mr. BOYD. Mr. Speaker, I thank the gentleman from Mississippi. You can see that he does his home work. He understands these issues very well, and he has certainly been a leader on the military and budget side as it relates to the Federal debt.

At this time I would like to call on my friend the gentleman from Indiana (Mr. HILL) who is a wonderful new member of the Blue Dogs, actually moved out of the blue puppy category into a sophomore.

Mr. HILL. Mr. Speaker, I thank the gentleman from Florida and my good colleagues on the Blue Dogs Coalition.

Mr. Speaker, 2 years ago when I joined the Blue Dogs, I didn't know exactly what to expect, but I have discovered in the last 2 years that this is an organization of conservative Democrats that are very honest about what they say.

Mr. Speaker, everything that we have heard here today is exactly as it is. One of the great things about being a Blue Dogs member, and there are 33 of us, is that one can rely on the information that one receives. What the American people have been receiving in terms of the speeches that have been made here this afternoon is the truth. If the truth is known to the American people, I think that they will agree what we are talking about in terms of paying down the debt is an important component of this budgetary process and something that we ought to be doing.

Now, I cannot do as well as the other speakers have done so I will not repeat what they have said, but I do want to bring up one point and that is when CBO has made all of these huge projections of what the surpluses are going to be over the next 10 years, they will also tell us in their report that there is a 50 percent chance that they are going to be a hundred billion dollars wrong in the first 5 years. Most people do not realize that. Members of Congress I am sure do not realize that. If you do not take my word for it, go to the Web site. It is www.cbo.gov.

Mr. Speaker, the other projection they talk about is in the following 5 to 10 years there is a 50 percent chance that they will be off at least $250 billion. So we are talking about at least, at a very minimum, of a $350 billion potential swing in these projected budget surpluses. That is why the Blue Dogs have never come up with numbers, they have always come up with percentages. The idea of paying 50 percent of these surpluses down on paying the debt is a realistic approach to this budgetary process that does not lock us in and jeopardize our future in terms of going back to the old days of deficit spending.

Mr. Speaker, I want to make a point that there is a huge room for error in these projected surpluses, that we need to be cautious. The most important thing that we can do is pay down the debt in a way that is fiscally responsible and do tax cuts in a way that is fiscally responsible.

Mr. BOYD. I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I am not a member of the Blue Dogs Coalition, but I would like to be an honorary one today because I think this organization truly is the voice of fiscal responsibility in this institution, and I am so happy that my colleagues are here today with this message.

I have three points. Point one has to do with a story from this weekend. I was talking to a colleague who went to a meeting this past weekend, and he started to talk about the surplus. An older gentleman came up and poked his fingers in my colleague's chest and said, what do you mean by the surplus, you man, and my colleague started to explain it. He said, no, no, no, hold it right there.

□ 1445

As long as we have got a big debt, we have not got a big surplus. And this was not Alan Greenspan talking, but this was a fellow who I think was in touch with the heartland of this country, who understands that with a $5 trillion debt we ought to take care of the deficit first. That gentleman understands that 14 percent of all of his taxes, $14 of every $100 of income taxes he paid last year were wasted, down the black hole. They did not get a teacher, they did not get a soldier or a sailor, but went to pay interest on the Federal debt. That gentleman understood we have to pay a commitment to the public debt.

Second point. All of the numbers, which are essentially a fiscal hallucination about this alleged surplus, talk about this 10-year window of opportunity. But it is real interesting, because guess what happens the day after

that 10-year opportunity? We baby boomers start to retire. The baby boom generation, which is going to drive us into a fiscal ditch, starts to retire in year 11, year 12 and year 13. And we know what will happen then: we will go right back down into deficit spending if we do not eliminate this debt first.

It is time for the baby boom generation, which I am a member of, to grow up. It is time for our generation to be fiscally responsible. And I appreciate the Blue Dogs and their request of the new administration. I hope they are serious about bipartisanship. This will be the real test to see whether they engage us, the Blue Dogs, and everybody else in a discussion of what this tax cut ought to be.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Washington for joining with us here on the floor, and we certainly do want to make him an honorary Blue Dog.

Mr. Speaker, I would like to yield now to the gentleman from Texas (Mr. STENHOLM) to summarize.

Mr. STENHOLM. I thank the gentleman for yielding, and I want to help clarify some other rhetoric that we will be hearing from this floor regarding spending.

I have served in the House of Representatives since 1979. When we look at discretionary spending by the Congress, it has declined by 36 percent from 1978 until the year 2000 as a percent of our gross domestic product. Entitlement spending has gone up 3 percent during that same period. Revenues have gone up 14 percent since that period. Interest rates have gone up 43 percent.

That is why we are emphasizing paying down the debt. Monies spent on interest are the least productive number of dollars that we can spend in this Congress. Money spent on defense, on veterans, on military retirees, on health care, on education, on agriculture are the most productive dollars that we can spend. So long as they are spent prudently and with policies that we can agree to in a bipartisan way, they are the most efficient and the best way to deal with our Nation's problems.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Texas and, in summary, I want to read from the CBO's report that just came out, the summary. It will just take a few seconds here.

The summary starts out this way, Mr. Speaker, and I quote: ''In the absence of significant legislative changes and assuming that the economy follows the path described in this report, the CBO projects that the total surplus will reach $281 billion in 2001. Such surpluses are projected to rise in the future approaching $889 billion in 2011 and accumulating to a $5.6 trillion figure.'' We know over half of that is Social Security. Here is an interesting sentence, Mr. Speaker: ''That total is about $1 trillion higher than the cumulative surplus projected for the 10-year period in CBO's 2000 report, July 2000.''

In 6 months, Mr. Speaker, the projected surplus changed by CBO's own estimates over $1 trillion. And I want to read one more sentence that goes on later in the summary report, Mr. Speaker, and this really should give pause to many of our American citizens:

''Over the long-term, however, budgetary pressures linked to the aging and retirement of the baby boom generation threaten to produce record deficits and unsustainable levels of Federal debt.'' Mr. Speaker, I want to say that again. ''Budgetary pressures linked to the aging and retirement of the baby boom generation threaten to produce record deficits and unsustainable levels of Federal debt.''

I am reading directly from the summary of the CBO report which came out last month.

Mr. Speaker, I want to thank the indulgence of the House and for the Speaker's courtesy today, as well as my colleagues who came and assisted today.

TAX FAIRNESS

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Illinois (Mr. WELLER) is recognized for 30 minutes as the designee of the majority leader.

Mr. WELLER. Mr. Speaker, I appreciate the opportunity to address the House today, and I wanted to take a few minutes to talk about not only the accomplishments of this Congress, but also to talk about a major issue of fairness, a fundamental issue of fairness in the Tax Code.

I represent the south side of Chicago. I represent the south suburbs and Cook and Will, Grundy and Kankakee and La Salle Counties. This is a very, very diverse district of city and suburbs and country. The message that I have heard time and time again since I was a candidate for Congress in 1994 the first time, was that folks back home want us to look for solutions to the challenges that we face.

I remember when I was first elected in 1994, we wanted to do some pretty radical things. We wanted to balance the budget, we wanted to reform the welfare system, we wanted to pay off the national debt, we wanted to stop the raid on Social Security and Medicare. We were called radical for having those kind of ideas and that kind of agenda.

I am proud to say in the 6 past years that this Republican Congress has accomplished those very goals. Not only have we balanced the budget 4 years in a row, but we have paid down almost $600 billion of the national debt. And according to the nonpartisan Congressional Budget Office, we are projected to see a surplus of extra tax revenue, a tax surplus of almost $5.6 trillion over the next 10 years.

Think about that. Our Federal budget this year is $1.9 trillion, but over the next 10 years we are expected to collect $5.6 trillion in more tax revenue than we are projected to spend. A huge surplus.

I am also proud to say that we did something that our grandparents, many seniors and those who aspire to be seniors have complained about over the years, and that is we stopped the raid on Social Security. Three years ago, this Republican Congress took the initiative and passed legislation which locked away 100 percent of Social Security for Social Security. This past year we did the same for Medicare. And yesterday we did it again for the coming budget year. We passed the Social Security and Medicare lockbox, setting aside 100 percent of the Social Security and Medicare trust fund surpluses for Social Security and Medicare to use those dollars not only to run our current program of Social Security and Medicare, but to set them aside as we modernize those programs to assure that Social Security and Medicare are there for future generations.

When it comes to welfare reform, I am proud to say that we reformed welfare. I remember when I was first elected we had more children living in poverty than ever before in our Nation's history and the highest rates of teenage illegitimacy. Clearly, our Nation's welfare system was failing. We passed welfare reform. Took us three times before we were able to convince the President to sign it into law, but he finally signed it into law in 1996. And since then we have seen our Nation's welfare rolls drop. In fact, in States like Illinois they have been cut in half, with almost 6 million former welfare recipients now on the tax rolls as working taxpayers. Clearly fundamental changes.

Think about it. We have balanced the budget, we have stopped the raid on Social Security, we have stopped the raid on Medicare, we have paid on the national debt $600 billion, and we are on track to eliminate our Nation's debt by the year 2009, and we also reformed and made fundamental changes to our Nation's welfare system.

One of our other priorities, of course, has been the issue of bringing fairness to the Tax Code. Now, I was proud that as a key part of the Contract With America we enacted the child tax credit. In States like Illinois, that meant an extra $3 billion in tax relief that stayed in the pocketbooks of Illinois taxpayers rather than going to Washington to be spent by Washington from that $500-per-child tax credit alone.

But there are other issues in the Tax Code that we need to address that are

important to families. I thought Valentine's Day was an appropriate day to raise this issue. It is an issue of fundamental fairness. Is it right, is it fair that under our Tax Code 25 million married working couples, husband and wife both in the workforce, pay on average $1,400 more in higher taxes just because they are married? It just does not seem right, it does not seem fair that if a man and a woman who are both in the workforce decide to get married that they have to pay higher taxes if they make that choice.

The only way today to avoid the marriage tax penalty, if you are still single, is to not get married. And if you are married, the only form you can file to avoid the marriage tax penalty is to file for divorce. Well, that is wrong that under our Tax Code married working couples pay higher taxes than identical couples who live together outside of marriage. That is just wrong.

I am proud to say that this Republican Congress has made elimination of the marriage tax penalty a priority, and it is only appropriate that on this day, on Valentine's Day, that we deliver a valentine to the 25 million married working couples who suffer the marriage tax penalty and let them know that we want to eliminate the marriage tax penalty. It is wrong that married couples should have to pay higher taxes.

I am proud to say that our current President, President Bush, agrees that elimination of the marriage tax penalty needs to be addressed. Unfortunately, the previous President vetoed our effort to eliminate the marriage tax penalty, because last year we sent the Marriage Tax Elimination Act to President Clinton. He vetoed the bill. And of course that means 25 million couples still suffer that penalty.

During the campaign last fall, then-candidate Bush said had he received the bill, had he been President, he would have signed it into law. So we have an opportunity with our new President to work towards our goal of eliminating the marriage tax penalty.

Let me explain how the marriage tax penalty works. The marriage tax penalty occurs when a man and a woman, husband and wife, both are in the workforce. When they marry, they file their taxes jointly, which means they combine their incomes, and that usually pushes them into a higher tax bracket.

Let me give an example of a married couple from the district I represent in the south suburbs of Chicago. This is Shad and Michelle Hallihan, two public school teachers from Joliet, Illinois. They actually live in a little town called Manhattan, but they are public school teachers in the Joliet area. They have a combined income of about $65,000. They now have a little boy named Ben. When they file their taxes, with their combined income, and after they do the personal exemptions and all the other provisions they have, they pay an average marriage tax penalty of almost $1,400.

And as Shad and Michelle have pointed out to me, for Shad and Michelle Hallihan and for the average married working couple, $1,400 is real money to the folks back home in Illinois. Here in Washington, $1,400 out of a $1.9 trillion budget, it is a drop in the bucket. But for real people and real communities in places like Illinois, $1,400 is a year's tuition at Joliet Junior College, it is 3 months of day care for the Hallihan family for their little child while they are teaching at school, it is 4,000 diapers for their infant. It is real money for real people.

And people like Shad and Michelle Hallihan and 25 million other married working couples suffer the marriage tax penalty, and unfortunately they continue to suffer the marriage tax penalty because our previous President vetoed our legislation to eliminate the marriage tax penalty.

I am proud to say today that we announced our plans to reintroduce the Marriage Tax Elimination Act for this Congress, legislation that as of today has over 230 bipartisan cosponsors. Now, I would point out that we need 218 votes to pass a bill; a majority of the House is 218. So a bipartisan majority of the House is cosponsoring our legislation to eliminate the marriage tax penalty.

□ 1500

For couples like Shad and Michelle Hallihan, we would help them by eliminating that marriage tax penalty with the Marriage Tax Elimination Act.

We note that our proposal does a number of things. Number one is, in the Marriage Tax Elimination Act, we essentially wipe out the overwhelming majority of the marriage tax penalty by, number one, broadening the brackets. There are five tax brackets, and we broaden each of them so that married couples, joint filers, can earn twice as much as a single filer in that same tax bracket and stay within each bracket paying the same rate.

That helps those that itemize their tax, couples like Shad and Michelle Hallihan, that happen to be homeowners.

Second, we double the standard deduction for joint filers twice that for singles. That will help married couples who do not itemize their taxes, usually middle class families, if you own a home, you itemize your taxes, but if you do not itemize your taxes, you use a standard deduction. So we help them, those who could not itemize by doubling the standard deduction.

We recognize the alternative minimum tax has a consequence when you adjust the rate brackets and we make a fix in our legislation that ensures that, even though we are adjusting for the marriage tax penalty, families like Shad and Michelle can continue to qualify for the child tax credit.

And last, for low-income working families who qualify for that earned income tax credit, we adjust the marriage tax penalty there, as well.

In fact, by adjusting the income threshold for married couples by $2,000, we provide for the average family of four eligible for the earned income credit about an extra $400 a year in extra income that they can use by eliminating the marriage tax penalty in the earned income credit, as well.

The bottom line is we wanted to eliminate the marriage tax penalty. We feel it is fundamentally wrong that you should pay higher taxes just because you are married.

Now, President Bush has stepped forward because he recognizes, and we are very thankful that we have a President who agrees, we need to address the marriage tax penalty. And President Bush has a very balanced approach to cutting taxes. He says, out of a $5.6 trillion surplus that we should take about a fourth of that, $1.6 trillion, and use that to lower taxes, stimulate the economy, and bring fairness to the Tax Code.

The centerpiece of his tax cut, of course, is changing the rates and going from our current five rates to four rates. And of course, in addition to that rate reduction, which he feels is very important, and I agree with him, to stimulate this economy, he also attaches to it a proposal which will help reduce the marriage tax penalty, a second-earner deduction.

Now, that is an important step forward. But I would note that the President's plan provides only about $700 in marriage tax relief; and, of course, the marriage tax penalty on average is $1,400. So his proposal only does about one-half of what we need to do if we really want to eliminate the marriage tax penalty.

So our hope is that, over the next few weeks, next few months, as we work to move the President's tax proposal through the Congress, particularly as we work to stimulate and revitalize our economy, that we can address the need to eliminate the marriage tax penalty, as well.

I and several members of the Committee on Ways and Means have met with the President. We have also met with the Treasury Secretary, Secretary O'Neill, and other representatives in the administration to talk about the need to do more to eliminate the marriage tax penalty.

We believe that really the way we can do more is when we adopt the President's rate reduction plan, which simplifies the Tax Code and lowers taxes for all Americans, that we also adjust the brackets in the President's plan so that we eliminate the marriage tax penalty. And that can be phased in.

In the same way that the President proposes with his rate reduction, we can make the adjustments for the marriage tax penalty, and we believe it should be done at the same time. It only makes sense when you adjust the rates to deal with marriage penalty at the same time.

So, my colleagues, I want to share with you that we feel this should be a bipartisan priority. And I am proud to say that 230 Members of this House are now cosponsors of the Marriage Tax Elimination Act.

I particularly want to thank my good friend, the gentleman from Michigan (Mr. BARCIA), who is the lead Democratic cosponsor of the Marriage Tax Elimination Act. He and the gentlewoman from West Virginia (Ms. CAPITO) and the gentleman from Indiana (Mr. KERNS) have taken the lead in working together with us to eliminate the marriage tax penalty. We want it to be a bipartisan effort.

There is no reason that Republicans and Democrats cannot work together with the Bush Administration to eliminate the most unfair consequence of our complicated Tax Code, and that is the marriage tax penalty.

My colleagues, we need fast action on the President's tax cut. And here is why I believe it is important that we need fast action.

I have watched the nightly news, just like my neighbors have, over the last several weeks in the Chicago area. We have seen tens of thousands of our neighbors losing their jobs because of the weak economy that President Bush inherited from his predecessor.

Unfortunately, companies like Montgomery Ward are going out of business. LTV Steel has declared bankruptcy. Lucent and Motorola and Outboard Marine and other companies in the Chicago area are announcing massive layoffs. And those individuals are telling me they are having a hard time finding a new job.

Well, if we want to stimulate the economy, Congress needs to set politics aside and move quickly, move quickly. We need fast action to cut taxes, to put more money in people's pockets, to help families pay their high home heating bills, to help families pay off their credit card bills, to put confidence back in the minds of the decision-makers in business as well as consumers about their future of our economy.

I believe, as we move quickly, not only should we lower taxes for all, but we need to address the need to eliminate the marriage tax penalty.

I am proud of the way that the President has balanced his tax plan. Because if you look at the President's tax plan, you will note that under his proposal that the biggest beneficiaries are moderate and middle class taxpayers, because they see the greatest proportion of their income returned in tax relief, meaning that moderate, middle income, taxpaying families will have the biggest portion of their income back essentially as a pay raise, an extra few weeks' pay, an extra end-of-the-year bonus that they can use to meet their needs.

I am proud to say he is doing that. And for a family making $50,000 a year, President Bush's proposal would provide an extra $2,000 in higher take-home pay. That is an extra three weeks' pay under the President's plan.

Now, if they are making $40,000 a year, it is about $1,600 more in higher take-home pay because of lower taxes. So that is pretty meaningful if you think about it. And at the end of the day, when his plan is done, higher income Americans will pay a higher proportion of the income tax burden.

So if you are concerned about who gets what and who pays more, low, moderate, middle income families will see a greater proportion of their income back in tax relief and, at the end of the day, wealthier Americans will pay a higher proportion of the overall tax burden. So if that is important for you, it is something to think about.

But for a family making $50,000 a year, a married couple with two kids, they will see an extra $1,600 to $2,000 in higher take-home pay under the President's plan. At the same time we reduce rates for all Americans, we believe that we should eliminate the marriage tax penalty, as well.

We want to help couples like Shad and Michelle Hallihan, two public school teachers who work hard every day, to ensure that the children of the Joliet-Will County area have a bright future.

We also want families like Shad and Michelle Hallihan to have a bright future as well by ensuring that Shad and Michelle Hallihan get to keep what is theirs. It is wrong that when they chose to get married that they had to pay higher taxes. That is just wrong.

We believe, by adoption of the Marriage Tax Elimination Act, we can eliminate the marriage tax penalty, and we want to work with President Bush and Democrats and Republicans, both in the House and the Senate to get the job done this time.

I was so proud last year when we passed the Marriage Tax Elimination Act out of this House and the Senate. It broke the hearts of 25 million married working couples when President Clinton vetoed the bill. But it is a new day. It is a new time of opportunity. We now have a chance to do the right thing, and that is, to eliminate the marriage tax penalty.

It is important to say that, here on Valentine's Day, what better valentine can we give 25 million married working couples than to eliminate the marriage tax penalty?

Let us work together. We have 230 cosponsors today. Hopefully, we will have more tomorrow.

NEED FOR GOOD MANAGEMENT IN EXECUTIVE BRANCH IS LONG OVERDUE

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. HORN) is recognized for 30 minutes.

Mr. HORN. Mr. Speaker, with a new administration, it is time that we face up to the lack of management in the executive branch.

Mr. Speaker, today I am introducing legislation to create an Office of Management within the executive office of the President, H.R. 616.

The language of the bill is below and will be part of the RECORD.

The proposal that complements and extends the efforts of recent congresses to focus on one of the greatest challenges facing the Federal Government is seen best this way: finding an effective way to manage the complex collection of Government cabinet departments, independent agencies, and laws and regulations that exist to serve the public and provide for our national security.

Some might argue that this proposal is unnecessary or unimportant. Those arguments are profoundly misguided. The challenge of effectively managing our Government is, in fact, one of the most vital issues before us.

If we hope to solve the long-term problems that threaten Social Security and Medicare, and if we hope to strengthen our social safety net for children and other vulnerable members of our society and if we want to reduce the tax burden on American families, then we must start with a well-managed Federal Government.

As most Members of Congress know, each year we receive reports from the comptroller general of the United States, those excellent reports that billions of tax dollars are lost to waste, fraud, and abuse.

A January 2001 report by the General Accounting Office, which works for the comptroller general, stated the following: ''We have identified inordinate program management risks in major program and mission areas. These range from large benefit payment programs that sustain substantial losses to the earned income tax credit that experiences a high rate of noncompliance.''

In addition to these two programs, the General Accounting Office stated that poor management policies place vital programs such as Medicare, supplemental security income, student financial aid, and the Department of Housing and Urban Development's single family mortgage insurance and rental housing assistance at the high risk of waste, fraud, and misuse of the taxpayers' money.

The new GAO report lists 21 programs that remain at high risk of

waste, fraud, abuse and mismanagement, in addition to the emerging government-wide problem of managing its strategic human capital.

Among the most significant problems, the report cited the Department of Defense's poor financial management. Despite the GAO's recognition of this serious accounting problem, which dates back to 1995, little has changed.

In May of last year, the Subcommittee on Government Management, Information, and Technology, which I chaired, found that the Department of Defense still cannot produce auditable financial statements. We started on that on a bipartisan basis back in 1993 and most of us said they will never make it. We were right.

In fact, the Department's Inspector General reported that, in 1999, the Department of Defense had to make bookkeeping adjustments that totaled $7.6 trillion, not million, not billion, we are talking about trillions, $7.6 trillion in order to reconcile its books with the United States Treasury and other sources of financial records.

The GAO's examination of the comptroller general of those adjustments found that at least $2.3 trillion of the adjustments were not supported by documentation, reliable information, or audit trails.

The Department of Defense is not the only agency with such problems. It is just the biggest. The subcommittee's examination of the 1999 financial audit of the Health Care Financing Administration found that the Agency had erroneously paid out an estimated $13.5 billion in its Medicare fee-for-service program. That is roughly 8 percent of the program's $170 billion budget.

As the General Accounting Office testified at a subcommittee hearing on this subject last year, accounting procedures were so inadequate that no one could even estimate how much of this money was lost to fraud.

These are just two examples of the enormous cost of the Government's poor management, outmoded business practices, and insufficient financial controls.

□ 1515

At another subcommittee hearing on the governmentwide consolidated financial statements last year, the Comptroller General of the United States, David Walker, testified that serious financial management weaknesses also exist at the Internal Revenue Service, the Forest Service, and the Federal Aviation Administration. We have excellent people there as directors, and they are turning a lot of this around.

Commissioner Rossotti at the Internal Revenue Service is an outstanding executive. He came from the private sector, and he has applied some of those theories to one of the largest bureaucracies in the United States.

The same with the forester of the Forest Service; the same with the Federal Aviation Administration. They are working very hard to move those agencies ahead. These weaknesses, said the Comptroller General, place billions of taxpayer dollars at high risk of being lost to waste, fraud, and misuse. There is only one way to find these abuses, and that is to ferret out each wasted dollar, agency by agency, program by program, line by line.

To accomplish this goal, we must make management a clear and unequivocal priority across the entire Federal Government. The General Accounting Office report came to the same conclusion, stating that ''effectively addressing the underlying causes of program management weaknesses offers tremendous opportunities to reduce government costs and improve services.'' Congress must create a corps of management experts who not only have the ability and skill to address wasteful administration and program failures but who also have the power and mandate to force action and produce results.

The Office of Management and Budget in the Executive Office of the President was created by President Nixon in 1970 for the various purposes I have outlined. At that time, I supported the creation of that office and adding the ''M'' there and presumably then having a management component with the overworked budget side.

I thought at the time there is a real possibility to use the budget process to get the attention of Cabinet officers and strengthen their interest in management practices. I was absolutely wrong. Every one of my colleagues in the government and the senior service, senior civil service, all of them saw nothing happening. And when I got back here 6 years ago, that is exactly what had happened. For years, management experts whom I respect, inside and outside the government, have said that the ''M'' in OMB, the Office of Management and Budget, does not stand for management. It stands for mirage.

The unpleasant reality is that tying management to the power of the budget process was an excellent theory but one that never worked. The pressures and dynamics of the annual budget process have simply overwhelmed nearly every initiative aimed at improving management. In effect, the fledgling management trees could not survive among the tangled and gnarled limbs of the bureaucratic budgetary forest.

Since serving as chairman of the Subcommittee on Government Management, Information and Technology for the last 6 years, it has become very clear to me that we can no longer continue on our present course of muddling along, then papering over our fundamental management deficiencies with more tax dollars. This course has left us vulnerable to monetary waste and threatens to disrupt vital government programs that serve millions of Americans.

This very real problem seized my attention in April of 1996, some of my colleagues will remember, on the 2000 date change. Unless corrected, the year 2000 problem, called Y2K, threatened to disrupt government computers when their internal clocks moved from December 31, 1999 to January 1, 2000. The bulky computers of the sixties and seventies had little memory and to save that memory they said, Let us just call it 67, not 1967. At that time no one thought these systems would still be operating by the turn of the century.

As time went on, the concern grew that these computers would misinterpret the year 2000 as the year 1900; and there were some rather humorous but serious matters. In one case, a 104-year-old woman received a school district notice telling her to register for kindergarten and little things like that. But it was a serious problem.

It was grappled with not by OMB, it was grappled with when the President of the United States picked a person that had retired from OMB, brought that person in as assistant to the President. He did a very good job, and we can thank him for getting to it. But it took him a long time, 4 years, to get into this. They should have done it earlier. We would have saved billions of dollars if they had. But they did not. They did not take it seriously.

When I did a survey of the Cabinet back in 1996, there were two that had never heard of it, did not know a thing about it. We had some that did know something about it. But the one agency that was on top of all this was the Social Security Administration. They have long been a very well-run organization. In the sixties when I was on the Senate staff, we saw that every day. It is the type of thing that we should commend and we did.

The other thing was the Federal Highway Administration. They had a first-rate programmer tell them all about it back in 1987, and they just laughed. They said, ''Oh, that isn't possible.'' You would think that would go up the line to the Secretary of Transportation at the time, but the fact was, it did not.

And the Federal Aviation Administration, therefore, did not really have to face up to the problem, and so they had to play catch-up in order to overcome what could have been done beginning in the 1980s. The President procrastinated until February 1998 even though the gentlewoman from New York (Mrs. MALONEY), the ranking Democrat on my committee, and I had sent him a letter urging him to appoint someone.

Well, he did, 2 years after the letter. But that also lost us time. The President appointed John Koskinen as an

assistant to the President and he did pull it together, but it was running right to the last wire to be passed and the last hurdle. Mr. Koskinen served the President as deputy director of OMB for management. You would think something would have happened there. He was there from 1993 until he retired. He is a very good man, but in the OMB nest, it was not the way to run the program. And he knew that. And when you are an assistant to the President, you can get things done. The Cabinet officers start listening to you. Yet Mr. Koskinen's able leadership at OMB frankly did not do anything to solve the problem until he took retirement, the President called him back in, and then he went to work and focused on it.

The year 2000 crisis provides powerful evidence of the need for an Office of Management. The executive branch of our government must have one office that is focused solely on finding, deciphering and solving this type of problem before it occurs, not afterwards. We need one group of management-oriented professionals who are available to monitor and help find solutions to management problems before they become costly burdens to the taxpayers.

Looking back, Franklin Roosevelt had a small group of professionals who were capable of sorting out problems and their long-range implications. They had the ear of the President in that era of the budget. President Harry Truman had such a group, as did President Dwight D. Eisenhower. It went downhill on management after President Eisenhower left office, and more and more it was politicized. Instead of professional civil servants that knew what they were doing, neither Democrats nor Republicans knew what they were doing, and that is not good enough. What we need are professionals that work for the President, and that is the way that agency used to work. Had the year 2000 problem been taken seriously a decade ago, its solution might easily have been integrated into the routine maintenance and modernization of Federal computer systems. Unfortunately, that did not happen; and we lost probably a few billion. But they do not seem to care about that down there.

In recent years, five major Federal agencies have launched computer modernization efforts that sunk from lofty goals to abject failures. These efforts by the Internal Revenue Service, the Federal Aviation Administration, the Department of Defense, the National Weather Service, the Medicare program can be summed up as an ongoing series of repetitive disasters that at the highest possible cost failed to produce useful computer systems needed to serve the public. The Internal Revenue Service finally realized that its project had failed at the $4 billion mark. The FAA, Federal Aviation Administration, had a similar disaster that cost more than $3 billion before they canceled it and realized they were not going in the right direction. Both were costly examples of abysmal management. Another word for it is stupidity.

The American taxpayer deserves a lot more from the executive branch than it has received. The new Bush administration can solve a lot of those management problems which have been very well swept under the rug. We need to get it out from under the rug and deal with it. Three years ago, the General Accounting Office reported that ''these efforts are having serious trouble meeting cost, schedule and/or performance goals. Such problems are all too common in Federal automation projects.''

In short, good management could have saved taxpayers billions of dollars and given the government and its citizens modern, efficient, productive and effective technology. Yes, we need to strengthen the President's staff in the area of information technology, but we have an even greater need to have an integrated approach to management improvement.

The desperate need to improve the government's financial management systems which I have already referred to can be pursued meaningfully only in concert with information technology. In addition, however, many of the failures in upgrading these computer systems can be traced to inadequacies in the procurement process. At present, these three specialized areas of management reside in three independent offices within the Office of Management and Budget. We must remove all of them from the shackles of the budget process and insist that they work together to eliminate further loss of billions of dollars in wasteful and unsuccessful systems development.

Many other management challenges lie ahead. We need an organized and comprehensive governmentwide plan to protect government computers from cyber attacks such as the Melissa and I-Love-You viruses. Over the next few years, the Federal workforce will suffer massive attrition as a large number of workers become eligible to retire. We need an executive branch agencywide strategy to train new workers and retain veteran employees. An Office of Management would produce enormous dividends in these areas simply by early identification of problems such as these and pointing the way toward the most effective solutions.

Mr. Speaker, there are other vital areas that need the same kind of scrutiny and guidance that I believe would flow from an Office of Management. Beginning with the Debt Collection Improvement Act which became law in 1996, Congress has attempted to provide Federal departments and agencies with the tools they need to collect the billions of dollars in debts that these agencies are owed. Yet so far their collection efforts have been sluggish and ineffective. Good financial management practices and systems should be in place throughout the Federal Government. However, recent subcommittee hearings have again shown that too many agencies have neither.

We will have quite a number of hearings this year taking the Comptroller General's little reports on each of these agencies. We would obviously like the appropriations subcommittee to do the same thing and the authorizing committee, but we as the oversight will make sure what the Comptroller General has brought up should be read by every Member of this Chamber, and then we can face up to these problems and do something about it. But Congress cannot do it day to day. That is where the executive branch and the Executive Office of the President is important to have this type of an entity added to it, which is simply moving it around but getting a focus in it, and that is the Office of Management.

Regardless of party, most White House staffers are interested in policy development, not managing policy implementation. Policy involves hope, excitement and media coverage. Management, on the other hand, appears dull and dreary, whether it is program management or financial management. Yet good policies that are not translated by management into action have very little value. Removing the management problems from the current Office of Management and Budget would provide the President with a rational division of labor that would place a new and necessary emphasis on managing what is now unmanageable.

□ 1530

Those who are engaged in budget analysis have different skills and fulfill different roles than those who work in financial and program management.

Since 1993, on a bipartisan basis, this Congress has authorized chief financial officers and chief information officers for each cabinet department and each independent agency. Both management and budget staffs could and should participate in annual budget reviews of the executive branch departments and agencies. Of course they should do that. But they also have to focus to be very effective, and you cannot be diverted, just going to meetings.

We do not need to create a new bureaucracy or require a major reorganization of the executive office of the President. We do, however, need to create a separate office of management, whose director has clear and direct access to the President or the President's Chief of Staff, similar to the President's relationship with the separate Director of Budget, who sits in his cabinet.

If we are to create government-wide accountability, then an office of management is essential. It is long-overdue

reform that taxpayers deserve and good government demands. An office of management could work with departments and agencies in measuring the value of program effectiveness.

Mr. Speaker, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, which is the subcommittee I now chair, will have a large agenda this year. We will follow up on all of the reports of the General Accounting Office and the Comptroller General of the United States.

We have had hearings on what the States are doing. We have had hearings on what other countries are doing. If Oregon can do it, why cannot the executive branch of the United States do it? If New Zealand can do it, why cannot the executive branch of the United States do it? If Australia can do it, why cannot the executive branch of the United States do it? It just gets down to a question of doing it.

My most famous and fun commencement address that I learned as a university president was when Winston Churchill, the great leader of the free world, was sitting there puffing on his cigar watching the graduates and what they were doing. He got up to the podium and he said, ''Do it,'' and sat down. If commencement speeches were that long, two words, we would have better inspiration for most of the young people of America.

In August of 1910, Theodore Roosevelt spoke to this very issue. He said no matter how honest and decent we are in our private lives, if we do not have the right kind of law and the right kind of administration of the law, we cannot go forward as a Nation.

Mr. Speaker, it is time to go forward. If we are to create government-wide accountability, an office of management is essential. It is a long-overdue reform that taxpayers deserve and good government demands. The office of management could work with departments and agencies in measuring the value of program effectiveness.

Mr. Speaker, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, which I chair, will have a large agenda this year. We will follow it up on just these various points: What Oregon, Australia and New Zealand are doing, why are we not doing? So let us try it.

CELEBRATING BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Ohio (Mrs. JONES of Ohio) is recognized for 60 minutes.

Mrs. JONES of Ohio. Mr. Speaker, once again on behalf of the Congressional Black Caucus we rise to celebrate Black History Month. As we said yesterday, this is a continuation of presentations from yesterday. Black History Month is an excellent time for reflection, assessment, and planning. A full understanding of our history is a necessary and crucial part of comprehending our present circumstances and crafting our future.

I want to recognize, if she chooses to be recognized once again, the Chair of the Congressional Black Caucus, the gentlewoman from the great State of Texas (Ms. EDDIE BERNICE JOHNSON.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, to my colleague, the gentlewoman from Ohio (Mrs. JONES), let me thank you for leading this celebration series of speeches today. It is important that we at least once a year give notice to the history of the African Americans in this country.

We especially think it is important this year, because we just had a very, very emotional, difficult experience with the past election, and the reason why we are so concerned about that is because we have had several turbulent periods in our history on our voting rights.

As you know, we got them very early; then Reconstruction, we lost a number of people. We have fought and died for our voting rights, and, as I indicated before, as Santayana once said: ''Those who fail to learn from history are doomed to repeat it.'' We do not want to repeat the history we have had in this country, trying to gain equal respect and equal opportunity for casting votes as citizens in the United States.

So it is indeed important that we bring attention to this issue and plead and pray for a solution. I thank the gentlewoman very much.

Mrs. JONES of Ohio. I thank the gentlewoman.

Mr. Speaker, it gives me great pleasure at this time to yield to my colleague, the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from Ohio for yielding to me, and particularly do I thank her for her initiative and leadership in organizing this Black Caucus commemorative on and during Black History Month.

I want to congratulate the good gentlewoman from Ohio for the way in which she has hit the ground running. No grass grows under her feet. Her predecessor, the esteemed gentleman from Ohio, Mr. Stokes, left. We did not know whose feet would be big enough to fill his shoes. I am looking at her feet right now. They may not be big enough, but they certainly are filling them. They are not big enough because she is a lady, and that is not how a lady's feet operate. But this is only one indication of how the gentlewoman from Ohio operates.

Mr. Speaker, it is an important occasion this year, because each year we, of course, come forward, we who are African Americans, and others, to commemorate Black History Month. It may be that we were in danger of having Black History Month become like George Washington's birthday. You do it every year, you know you are doing it because something great and important is being commemorated.

But I must say, this year, all of us I believe have looked at Black History Month as a giant wake-up call for what it truly can mean and must mean in these times. This is no commemoration for African Americans or for America; this is a time for reflection and for action.

I could go down a list of reasons why the country does not need to be in repose on its oldest issue, born as a matter of original sin, race and racism in our country. That ought to be clear, although I fear it is not. Rather, in the limited time I necessarily have, I would like to focus on three reasons why a wake-up call comes this Black History Month: one has to do with how long it has taken us to honor the Father of Black History; second has to do with Florida and its aftermath; third has to do with the most pressing voting rights challenge in our time.

Dr. Carter G. Woodson, only the second black to get a Ph.D. from Harvard, a self-educated man until he went to the University of Chicago and got his masters, started the Association for the Study of Negro Life and History.

This man, this brilliant and great American historian, almost single-handedly uncovered suppressed African American history and started the process of challenging racist stereotypes throughout American historiography. Yet his house on 9th Street, the house where the association that he started and where he lived, has been boarded up for decades.

I come to the House today to thank the House for passing my bill during Black History Month last year, finally passed by the Senate, which allows the Park Service to do a feasibility study, now under way, to determine whether or not Dr. Carter G. Woodson's house will become a national historic site.

Carter G. Woodson started Negro History Week, which I always celebrated as a child in the segregated schools of the District of Columbia. It has evolved into Black History Month, now commemorated through the history and the world. It is time that we focused in on the man who began it all, began the process of correcting the history that we celebrate this month, the history, through its correction, that led finally to the historic civil rights acts themselves.

Second, the wake-up call comes in no small part because of Florida and its aftermath. We, especially those of us who come out of the civil rights movement, thought that, at least with respect to the great civil rights bills, our

work could be said to be, if not done, well on its way. We certainly did not think there were major voting rights problems remaining in this country. We knew there were pockets; we knew of problems.

What we now know is that nationwide there have been systematic violations of people's voting rights forever in this country, and if there had not been a close election, we never would have known it. The results in Florida were beneath the standards of American democracy. The great shame is the court to which we move to the side on political matters decided an election for the first time in American history. That alone must never happen again.

Florida shows us that what African Americans struggled for in the 1965 Voting Rights Act is no longer simply a black problem. There were many more people than blacks who were disenfranchised in Florida. We cannot go back to Florida, but what we can do is not make this year go by without putting in motion the apparatus and the funds to correct the voting rights mechanisms or the election mechanisms in the United States of America. We do need a commission, we do need to study some of the long-range effects, but we need to begin the process of correction before the next election is held.

Finally, let me address what I said was the third great wake-up call, and that is the most pressing voting rights challenge in America today. That, of course, is the absence of congressional voting rights for almost 600,000 American citizens who live in the District of Columbia who have no voting representation on the floor of the House or the floor of the Senate, but on April 15th are expected to pay their Federal income taxes like everybody else.

This is a situation that cannot go on much longer, as we hold our heads high as we preach democracy around the world. Residents of the District of Columbia are not going to let it go on much longer. It has gotten to the point of civil disobedience. I myself testified at a trial yesterday regarding some civil disobedience that occurred here during the last appropriations period.

D.C. residents have been very patient. They do not seek to correct this by civil disobedience, the way we did in the civil rights movement. They seek to use the processes of this House in order to get the voting rights to which they are entitled as American citizens who pay their Federal income taxes every year.

So, for those for whom this month of commemoration has become just that, a commemoration, let me leave you with a notion that the way to commemorate this month is to think of what is still outstanding on the American agenda that most affects African Americans.

□ 1545

I believe that a small but important matter is making sure that Carter G. Woodson's home becomes a National Historic Site, and I believe that is under way. I come this afternoon to thank the House for what the House has done and what the Senate has done to make that possible.

There is Florida and its aftermath, which I think is only beginning. We will know if we have gotten anywhere by whether or not this year's budget and specific legislation has moved this issue forward this year, not this session but this year.

Finally, on that agenda must be the outstanding issue of taxpaying residents being left without voting rights in the Congress of the United States, and those taxpaying residents do not live in some far-off corner of our country. Those taxpaying residents live right under the nose of the Congress.

In their name, in this month of black history, particularly since the majority of them are African-Americans, I ask that the Congress move forward to grant voting rights in the Congress of the United States to the residents of the District of Columbia.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentlewoman from the District of Columbia.

For the record, I support voting rights for the District of Columbia, as many of us do, and we are going to continue to work this year in this Congress to see that each of the residents of the District of Columbia have a vote and a voice.

Mr. Speaker, let me just read a quote from the last black to leave Congress back in 1901, George Henry White, from North Carolina. He stood up on this very floor and declared, ''You have excluded us. You have taken away the right to vote, and so I am the last one to leave. This, Mr. Chairman, is perhaps the Negro's temporary farewell to the American Congress. But let me say, phoenix-like, he will rise up some day and come again. These parting words are on behalf of an outraged, heartbroken, bruised and bleeding but God-fearing people, a faithful, industrious, loyal people, rising people, full of potential force.''

With that quote, I yield to my colleague, the gentleman from the great State of Illinois (Mr. RUSH). Just like the phoenix rising, he represents one of 37 African-American Members of the Congressional Black Caucus.

Mr. RUSH. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I certainly want to commend the gentlewoman from Ohio for her leadership and her outstanding work on behalf of the entire Congressional Black Caucus, and also on behalf of American citizens who are minorities, who are dark-skinned citizens, all across this Nation, as she led the charge on this day and on yesterday to bring before the Congress of the United States the celebration of Black History Month.

Mr. Speaker, for as long as I can remember, Black History Month was a time of joyous celebration as the Nation took note of the accomplishments and achievements of black Americans throughout the history of this Nation, acknowledging their contributions, not only to the upliftment of this Nation, the progress of this Nation, but indeed, to acknowledge their accomplishments and achievements on behalf of nations throughout the world.

Indeed, the world is a better place because of the contributions of black Americans, and we honor and celebrate them during the month of February.

However, Mr. Speaker, this month of February is a month that the celebration is somewhat hollow. We are celebrating with less enthusiasm than we have celebrated past Black History Months. The reason for this is singularly the fact that just a few months ago there was an election for President of the United States, and, Mr. Speaker, that election, in the opinions of a significant number of American citizens, and I would say, indeed, the majority of black American citizens, that election was stolen from the rightful winner.

So, Mr. Speaker, I am here today to talk about a stolen Presidential election and the disenfranchisement of African-American voters during this last election.

As we speak on the floor today, the Committee on Energy and Commerce, on which I serve, is holding a hearing on the television network's coverage of last November's Presidential election. That is a hearing that I also have mixed feelings about because, whereas I understand and appreciate and am also concerned about the fact that the coverage, the network coverage of last November's election, left a lot to be desired, I feel as though that hearing is just tinkering along the edges. It is not really getting to the essence of the issue.

I and the voters of the First Congressional District, along with millions of American voters across the Nation, heard the results of Florida's Presidential balloting announced, then revised, then reversed, then rescinded by the networks.

The impact of those faulty projections and the havoc which they wreaked is still being felt today, not only by the individual who was defeated, Vice President Gore, but also by tens of thousands of American voters who believed then and believe now that their votes in Florida and in many States, like my State, the State of Illinois, were not counted.

Mr. Speaker, we have spent many, many years, and I have spent most of my adult life, fighting to ensure that African-Americans have the right to

vote and that their vote be counted. I spent most of my political career fighting a dastard machine in the city of Chicago that moved with adroitness and skill on every election to suppress the African-American vote within the city of Chicago, within the State of Illinois.

Mr. Speaker, on election night in Chicago, and also in Cook County, I want to bring it to the attention of the American people that antiquated voting machines in Chicago and Cook County resulted in thousands of African-American voters' ballots being disqualified. Yet, in the rich suburban, Republican collar counties surrounding Cook County, where the population is not primarily minority, there were state-of-the-art voting machines in place which allowed for the smooth disposition of defective ballots, and for citizens to be recorded accurately right then and there.

Can Members believe it, in my State, in the State of Illinois, in Cook County, where a majority of minority citizens are, we had old, antiquated machines, that if in fact a ballot was put or entered into that machine, it was kicked out and that person lost their vote? But just a few miles away, in the Republican part of the State of Illinois, in the collar counties surrounding Cook County, they had up-to-date machines where once the card was entered in that machine, if in fact there was a mistake by the voter, it was immediately rejected and the voter right then and there, at the same time, could correct their mistake and enter that card once again into that machine and their vote would be counted.

So 125,000 African-American and minority voters in the County of Cook were denied their right to vote as a result of this duality of this double standard, of these two different machines, one antiquated, being utilized inside Cook County, and one up-to-date state of the art, being utilized outside of Cook County.

More than 200 years after the Emancipation Proclamation, African-American voters are still today being denied their rights, particularly their right to vote. It is incumbent upon us as Members of Congress to safeguard the rights of African-Americans and all voters, no matter what their race, color, or creed. There are lingering questions, many lingering questions, about this last Presidential election that need to be answered.

Mr. Speaker, I call upon Members of this Congress, Members of the 107th Congress, I call upon the leadership of this Congress, to get to the bottom of why, why did African-Americans and other minorities, why were they denied their right to vote? Why were their votes not counted? Why was there intimidation and harassment, and indeed, in some instances, faulty arrests of African-Americans on their way to the polls?

Why, Mr. Speaker, in the County of Cook, were there two different types of machines, one with faulty equipment, antiquated equipment, and the other one state-of-the-art equipment? Why were those two different types of machines used in the State of Illinois in a Presidential election?

The American people deserve the right to know that, to know the answer to those questions. African-Americans deserve the right to know the answer to those questions. Indeed, Mr. Speaker, we all deserve the right to know the answer to those questions.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman from Illinois very much, and I yield to my colleague, the gentleman from the great State of Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding to me. Moreover, I thank the gentlewoman for her outstanding leadership in this special order commemorating Black History Month. She has done a marvelous job over these two days, and we certainly appreciate her efforts.

Mrs. JONES of Ohio. If the gentleman will allow me to interrupt the gentleman, due to the large amount of people we have coming, I am going to ask my colleagues to try to restrict their comments to 3 to 5 minutes, please, and I thank the gentleman very much.

Mr. WYNN. Yes, I will be happy to do that. But as I say, the gentlewoman from Ohio has done a magnificent job, and we all appreciate it.

Mr. Speaker, I rise on the occasion of Black History Month to speak about electoral reform. There was a saying that those who do not learn the lessons of history are destined to repeat them. I want to comment for a few moments about a relatively ugly episode in American history, the disenfranchisement of African-Americans.

Return first to the era known as Jim Crow, an era in which African-Americans were legally and systematically denied the right to vote. They were, in essence, denied democracy. They were denied full citizenship. They were denied the very things that make us proud to be Americans.

Techniques such as poll taxes, literacy tests, requiring African-Americans to recite the Constitution, physical harassment, the denial of jobs for those people who chose or decided they wanted to vote, all of these were mechanisms that were used to systematically disenfranchise African-Americans during this period of our history known as Jim Crow.

In the sixties, and as a result of the civil rights movement, we saw a major mobilization as people of good will of all colors, races, and creeds came together to mobilize against this disenfranchisement and begin the movement known as the voting rights effort.

Unfortunately, in 1964, three such individuals, Michael Schwerner, James Chaney, and Andrew Goodman were killed while working in Mississippi to protect that fundamental aspect of American democracy, the right to vote.

But even more recently, a decade ago in New Jersey, under the thinly-veiled notion of ballot security, a program was instituted to actively discourage African-Americans from voting with physical intimidation and the presence of off-duty law enforcement officers designed to discourage people from voting.

This brings us to the present day and what I would like to call ''the fiasco in Florida.'' Now, there are a lot of people who say to the African-American community, ''You need to get over it. The election is over.'' Let me emphasize that this is not about the Gore campaign. This is not about who won that election, although that is certainly important.

What this is about for the African-American community is that the incidents we saw occurring in Florida recalled the incidents of the Jim Crow era; recalled the incidents surrounding the deaths of Schwerner, Chaney, and Goodman; recalled the so-called ballot security programs. So this is not just a matter of who won or who lost, this is a matter of a threat to what we believe are our fundamental rights.

What did we see in Florida? The use of identification requirements to discourage voters, requests for photo identification, which is not required in the law. Suddenly police checkpoints sprung up in African-American communities, discouraging people who might be on their way to vote and then to work.

We found voters turned away, being told they were not in fact registered when in fact they were. College students, eager, enthusiastic about voting for the first time, were turned away. There were allegations that the motor-voter program did not effectively register people. People who in fact had their voter registration card in hand were turned away by election officials.

□ 1600

Of course, as you heard from the gentleman from Illinois (Mr. RUSH), my colleague, faulty detective voting machines were disproportionately located in African American communities. All of these incidents bring to mind a very, very ugly episode in our history, and we are determined not to relive the mistakes of the past. We are determined to, in fact, learn the lessons of history.

To that end, I would say we need to do three things. First, we need to have a full Justice Department investigation of voting rights violations in Florida. That would give the administration an opportunity to truly prove that they want to extend the knowledge base and ensure that everyone has fair access to the voting process.

Second, we need legislation, legislation that would provide money to States so that they can buy modern voting machines and we can have uniform voting technology.

We also need to protect disputed ballots so people who believe they are registered could vote on a temporary basis and have that vote preserved until the legitimacy of their voting status could be determined.

Let me take a brief moment to mention another item that ought to be corrected by this Congress. Individuals who are convicted of crimes, served their sentence and served their parole, ought to have their voting rights restored. They have paid their debt to society.

Our prison system has said they have been rehabilitated, they ought not be denied that fundamental rights to vote.

Mr. Speaker, when I began I said that those who do not learn the lessons of history are destined to repeat them. I think the final lesson we need to learn on the occasion of Black History Month is that continued vigilance is necessary to protect our right to vote. We cannot take it for granted.

We need to register more voters. We need to educate voters as to their rights, and we need to protect the voters who come out and want to vote. We need to protect voting rights. I believe we have learned the lessons of history.

We have been reminded by virtue of what happened in Florida, and I hope as we reflect on the meaning and the history of African American History Month, that we will take to heart these ideas and ensure that never again in America will our citizens of any color be denied the right to vote.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. WYNN) for his comments.

Mr. Speaker, I yield to the gentleman from the great State of Illinois (Mr. DAVIS).

Mr. Speaker, I would like to also thank the gentleman from Illinois (Mr. DAVIS), because it was through his work that we were able to secure the hours to be able to have this Black History Month special order.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from Ohio (Mrs. JONES) for her outstanding work and for yielding to me.

I rise, joining my colleagues, on this day during Black History Month to discuss two critical issues that impact every American citizen, voting rights and the need for reform.

Mr. Speaker, it is one of the great historic truisms that our right to vote, the ultimate expression of the empowerment of the people and the bedrock of our democracy, is also perhaps the most hard-won right accruing to Americans.

The battle to extend the right to vote to every citizen, especially women and African Americans, has shaped much of our Nation's history, and along with the battle to protect the vote has, and continues to, shape and reshape our notions of democracy.

Events in Florida this past November remind us that this is no mere intellectual exercise. Unfortunately, events in Florida during the election reflect the fact that we leave the 20th century facing an assault with great parallels to the events which ushered in the century.

After the Civil War, our Nation witnessed great movement towards democracy. Swept along by a powerful movement for African American equality, Congress passed the 14th and 15th amendments to the Constitution.

The movement for equality rapidly grew into a movement to claim a fair share of political representation. Some two dozen African Americans were elected to the Congress, and some 700 African Americans to State legislatures in the South.

The response was a wave of terrorism and oppression followed by a storm of political and legal repression.

One of the most horrific and shameful symbols of that wave of terror came in the summer of 1908, when in the town of Springfield, Illinois, my home State, home to President Abraham Lincoln, America learned of a race riot of mass terror against African Americans which lasted for days and which killed and wounded scores of African Americans and which drove thousands from the city.

Those riots led directly to the founding of the NAACP by W.E.B. DuBois and other brave and far-sighted individuals and to the unfolding of a century of struggle for political and voting rights.

The landmark cases, Smith versus Allwright giving African Americans the right to vote in primary elections in Texas, Thornburgh versus Gingles ruling that redistricting to dilute the voting strength of minorities is illegal, Chisom versus Roemer ruling that the Voting Rights Act applies to the election of Judges, were driven by the unrelenting determination of mass struggles and marches, boycotts, sit-ins and voter registration drives, and by the great political victories including, in the first place, the Voting Rights Act of 1965.

Second only to the 13th, 14th, 15th, 19th and 24th amendments to the Constitution, no tool has been more powerful in breaking the bonds which denied political representation to African Americans and other minorities, and especially even to women.

The NAACP Legal Defense Fund, the ACLU and a host of peoples' organizations wielded this tool with great effectiveness.

As a result, our democracy was expanded and enriched, our political institutions regained credibility, our government's effectiveness was redoubled.

However, those that thought full equality would come on its own had not fully appreciated the words of Frederick Douglass, when he said that power concedes nothing without struggle.

The 20th Century ended with the beating of Rodney King, the dragging death of James Byrd, the assassination of Ricky Byrdsong, and the 20th Century ended with renewed Supreme Court attacks on affirmative action and voting rights. With cases such as City of Mobile versus Bolden and Shaw versus Reno, the Supreme Court reflecting the political events of the last quarter of the century, began to dismantle generations of hard-won gains in the battle for equality and justice.

Gone were the days of overt racism. In its place was a new paradigm, one which shed crocodile tears for fairness and democracy, all the while ruthlessly ripping at African American voting rights.

It was not long ago that America responded to the demands of protests, wrapped her strong arms around the impervious suffrage movement led by African American leaders and other leaders and relieved trepidation of an abused who longed to take an active role in shaping our democracy.

On August 6, 1965, our Nation matured and took a giant leap forward towards equality. On that day, America witnessed the passage of the Voting Rights Act of 1965. This historic act enforced the right that no voting qualification or prerequisites to voting or standard practice or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

This landmark event, among other historical moments in American history, unified our country and together we began building a bond of comradeship and brotherhood. By voting, thousands of citizens began to speak a common language, democracy.

Ironically, this great achievement has been overshadowed by recent developments. According to the NAACP, despite a record level voter turnout among African Americans during the November 7 general election, black voters were confronted with a multitude of nonuniform election practices which impeded their ability to vote.

So when a private company, ChoicePoint, gave Florida officials a list with the names of 8,000 ex-felons to scrub from their voting lists, and it turned out that none on the list were felons, that is a new and deadly threat to democracy.

It makes no difference that the source of the list was the State of Texas. It makes no difference that Florida officials made an attempt to

restore some of those purged. It makes no difference that the company dismissed the error as a minor glitch, less than 1/10 of 1 percent of the electorate.

The fact is that 8,000 votes is some 15 times the margin of victory in Florida, a margin which determined the Presidency of the United States. The fact is that in Hillsborough County, Florida, the number of African Americans on the list of felons was 54 percent while African Americans make up only 11.6 percent of Hillsborough's voting population.

The fact is that ChoicePoint is only a small part of a system which denies African Americans the right to vote and to have their vote counted in Florida, a system which includes, according to suit filed by the NAACP, arbitrary and racially disparate adverse impact on the electoral systems, racial disparity in election administration, wrongful purging of eligibility voters, failure to timely and correctly process voter registrations, improper procedures for change of residence and unequal access to the inactive list.

And so you see, Mr. Speaker, what happened in Florida is a mirror of what is happening all over America. Now is the time for America to say, not only will we renew the Voting Rights Act of 1965, but we will be serious in our efforts to make sure that each and every American, no matter where they live, no matter what their race, creed, ethnic origin, background, income status, they will have the right to participate effectively in the making of decisions in this great democracy, anything less than that makes a mockery of our understanding of what democracy really is.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for his comments.

Mr. Speaker, it gives me great pleasure to yield to the gentlewoman from the State of North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman (Mrs. JONES) for yielding to me, and I thank her for the leadership and making time available so that members of the Congressional Black Caucus can have this opportunity to speak today.

Mr. Speaker, it is important, and it is also very appropriate during Black History Month, for us to reflect upon and recall the struggles this Nation has experienced in our continuing quest to ensure that all our citizens are able to freely exercise their fundamental act of citizenship, voting.

In 1776, our Nation's founders made a remarkable beginning of a struggle to establish a more perfect union, a union which the government derived its power from the consent of the government. Our founders correctly, albeit, with some elitism, established voting as a foundation of our democratic republic. Voting was a process by which the will of the people would be expressed.

At first, the only people that mattered, those who enjoyed the privilege of voting, were white men who owned property. Through painful, sometimes bloody, often deadly struggles and sacrifices of many American heroes, the shackles of racial and gender discrimination have been shaken off. It is fitting that we take time to pause and to recall and to honor those great Americans and their contributions to our Nation, a Nation that shines like a beacon to other people around the world who also yearn to be free.

Mr. Speaker, after the Civil War, the signing of the Emancipation Proclamation and passage of series of amendments to the United States Constitution, the 13th, 14th and 15th amendments, African Americans, former slaves and sons of former slaves no longer were excluded from the great American experiment of self government. As a result, black men were elected to public office, especially in the South, in large numbers.

Women continued to be excluded from voting until the passage years later of the 19th amendment. In South Carolina, the State legislature had a black majority; in North Carolina, at least four Afro-Americans served in Congress before the turn of the century, including Mr. John Hyman, Mr. James O'Hara, Henry Cheatham and George H. White.

Then, the forces of hate, nullification and bigotry surged and our Nation entered the awful period called Jim Crowism, a period in which some whites, with the tacit or overt support of others, exerted power through a combination of terrorism, economic oppression and legalized separation of the races.

The terrorism included bombings of homes and churches, jailing of black men for minor, often presumed violence violations of law, beatings and lynchings. For years, African Americans were beaten and jailed for trying to register and to vote.

□ 1615

Foreign visitors commented about the strange fruit seen in the trees in many southern communities, the barriers imposed to black voter participation were widespread and severe. The barriers also included poll taxes and literacy tests, often given by white people who, themselves, could not read.

The struggle to overcome this horrible chapter of American history brought us to the modern civil rights effort of Thurgood Marshall, the architect of the litigation strategies of the NAACP; and Dr. Martin Luther King, who directed SCLC which, along with young John Lewis, now a Member of Congress; and many other individuals in the organization led protests and demonstrations to end racial discrimination that excluded African Americans from getting service at hotels and restaurants, from attending public schools with white children, from living in certain neighborhoods, from being considered for employment and college admissions, and most fundamentally, from registering to vote.

In 1957, Congress passed a Civil Rights Act that made it a Federal crime to interfere with a citizen's right to vote, and created the Civil Rights Commission to investigate violations of the law.

White politicians and white supremist groups intensified their resolve to prevent blacks from voting. Black applicants seeking to register to vote were made to wait for hours, voter registration places were open for very limited times and often suddenly closed when blacks tried to register, and their applications were lost or discarded.

Before the Voting Rights Act was passed 35 years ago, there were five African Americans in Congress. Today, there are 40. The important role of Federal enforcement of voting rights is clear. The recent voting irregularities in Florida and other States serve as a painful reminder of the need for a Federal presence and effective enforcement remedies as a safeguard against unfair, discriminatory State action.

We cannot go back, Mr. Speaker, to the period of disenfranchisement of segments of our population. This Nation paid a dear price for that, in broken lives and deferred dreams of generations of African Americans. We paid in the form of loss of national credibility and moral standing in the eyes of the world. We paid in the form of lost opportunities to achieve our national quest for a more perfect union, one nation, indivisible with liberty and justice for all.

We must learn from the lessons of history and take seriously the challenges presented by the recent Florida elections disaster. We must move forward to heal the Nation and to fix the problems in our voting procedures and machinery.

Congressman George White from North Carolina spoke from the floor in 1900. He knew he could not be reelected because of unfair voting practices taking place all across the country, including North Carolina. He was the last African-American Member of Congress during the Reconstruction era. Like a voice from the wilderness, he called on the Congress to pass legislation that would prohibit lynching. Congress refused to act. Congressman White told his colleagues that he was leaving the Congress but that African Americans, like a phoenix, would rise again and return to the Halls of Congress. Years passed before Mr. Oscar DePriest, from Illinois, was elected in 1928. Nearly a century passed before the gentleman

from North Carolina (Mr. WATT) and I, in 1992, were elected to succeed George White from North Carolina.

Mr. Speaker, I know there are those who cannot appreciate the depth and pain of the deprivation suffered by many of our citizens for so many years, they must recognize the contradiction between our ideals, that all of our citizens' votes count in a democracy, and our tarnished history, years of unjust, legalized exclusion from voting of certain segments of our population.

We must work together, both Democrats and Republicans, black and white, Hispanic, Asian and Native Americans, to protect and promote voting and to ensure that all votes are indeed counted. Our government must be elected by the people for the people.

Mrs. JONES of Ohio. Mr. Speaker, I yield to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, in keeping with the spirit of the many great men and women we honor each year during black history month, I rise today to join my colleagues in the Congressional Black Caucus in calling for meaningful election reform that will ensure the voting rights of all Americans.

I want to commend the gentlewoman from Ohio (Mrs. JONES) for her leadership on this matter and for scheduling this special order at this time.

We as Americans cannot afford to allow a repeat of what transpired during the last Presidential election. Although our Constitution guarantees every citizen the right to vote, what we witnessed last November was an electoral system so flawed and outdated that it caused the disenfranchisement of thousands, if not millions of eligible voters across our country.

The essence of our constitutional freedom itself is founded on the inalienable right of every eligible American citizen to cast his or her vote without obstruction or intimidation.

When this right is denied, whether by design or simple neglect, democracy itself suffers. Like Florida, in my own district in St. Louis, Missouri, thousands of citizens were turned away from the polls and denied their right to vote. The result of a failing system that was ill prepared to deal with the large voter turnout.

Such a situation cannot and must not be tolerated. That is why it is incumbent on those of us in Congress to work together to ensure that every eligible citizen in our country be afforded the unobstructed right to vote. And just as important, every vote cast also must be counted.

To do this, we must modernize our Nation's failing electoral system by creating one that is accurate, efficient, and tamper proof. To do any less, we risk forfeiting the rights and protections guaranteed to all Americans by law.

We must not allow partisan differences to prevent us from resolving the critical problem, and the public demands that we do not. Because if the people do not have confidence in the electoral process, how can we expect them to have faith in our government?

I thank the gentlewoman from Ohio (Mrs. JONES) very much for this opportunity to participate in the special order.

Mrs. JONES of Ohio. Mr. Speaker, I yield to the gentlewoman from the great State of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, if I might welcome the gentleman from Florida (Mr. PUTNUM), it is a delight.

I thank the gentlewoman from Ohio for her kindness, and I am gratified that we have been allowed this time in our Nation's history to be able to recount the many contributions of Americans.

And I stand before you today to emphasize the word ''Americans'' in America, for I might think that there may be those who may be listening who may have some consternation or some difficulty with Members of the United States Congress rising to the floor, to be able to emphasize both our difference and our commonality. The common core that joins us together is that we are Americans.

Mr. Speaker, I salute in this month the many heroes and leaders and activists and spokespersons and quiet people who, in their own way, have offered to contribute to the fundamental right of the right to vote. February happens to be the month we commemorate the contributions of African Americans to this great Nation, but it also gives us a time in 2001 to be able to reflect upon a journey that none of us thought that we would travel and that is a time that sunshine shown very brightly on a Democratic system frankly that is broken.

So I rise today to recount for those whose memories may have faded, Birmingham and Selma and Montgomery, North Carolina and South Carolina, Georgia and Mississippi and Texas and names like Martin King and Rosa Parks and Josiah Williams and Andy Young; but yes, those names that are yet not recorded, names of thousands upon thousands of young college students from all walks of life, all religions and races and creeds, that walked in the sixties to be able to reestablish the fundamental right to vote.

Mr. Speaker, I thought it was important, and I want to thank the Congresswoman from Ohio and the chairperson of the Congressional Black Caucus, that you hear us emphasize the need for refocusing on the right to vote. For you to understand that it was not easily secured, either by women, either by those who were without property, or either by those who look first and came first to this Nation in the bottom of the belly of a slave boat.

The real focus of the right to vote sort of jelled in the late 1950s and early 1960s as one began to expand this whole concept of civil rights. We all know about Rosa Parks. We pay tribute to her; and the concept of her movement was about accommodation and riding on buses and being able to eat in restaurants and hotels. It was the simple dignity of being able to use your money as any other American citizen.

But as we moved into the 1960s and as Martin King laid out the agenda for us in his 1963 ''I Have a Dream,'' he began to realize that the political empowerment of a people was crucial to take one's role and one's right. And so we began to move after 1963 to emphasize over and over the right to vote. That right to vote bore fruit in 1964 in the Civil Rights Act and in the 1965 Voter Rights Act that said no one should be discriminated against in the right to vote.

Mr. Speaker, yet after signing that legislation, constantly throughout the decade of the 1960s and 1970s and 1980s and 1990s, we have found instances where: One, there has been voter intimidation. Two, votes have been thrown out. Three, minorities have lost elections for a variety of infractions that never rose to the level of national concern.

And yet in this election in 2001, although we recognize that it is finished, I believe the ultimate fact that a decision had to be made at the Supreme Court level of the United States, that people felt that they were turned away from the polls, that young college students who were dutifully registered to vote whose names were not on the polling list and who were then instructed to be turned away because there was not enough knowledge to know that you could affirm and testify to the fact that you had registered, there is need for electoral reform.

We should not let the tragedies of Montgomery, of Selma, and all that went before go on any further without solving the problem of allowing one vote, one person. The history of this Nation is embedded in the fact that each voice should be counted, but all too often people do not vote. People are disenfranchised, frightened, or turned away or their votes are not counted.

So in tribute to African American History Month, I believe the tribute should be forthright and forward-going. It should be a recommitment that, in fact, we will allow no intimidating force to ever keep us away from voting. We will answer the question of racial profiling. We will answer the question of blockades at polls. We will answer the question of antiquated voting equipment in certain areas of our community. We will lift up the Voting Rights Act of 1965 which reinforces the

opportunity for people to be represented by people who will represent them in the best way.

Mr. Speaker, I do believe that our Declaration of Independence says it all. We all are created equal with certain inalienable rights of life, liberty, and the pursuit of happiness. In the pursuit of such liberty, it is imperative that our vote is counted. As we proceed to improve on the voting system, let it be in tribute to all of those who marched, who sung, who spoke, who lost their lives, all Americans with particular emphasis and tribute on African Americans who did not have the ultimate right to vote in the 1960s.

Mr. Speaker, let this African American History Month be a tribute of going forward, never to repeat again the days of Florida and the days of this last election where anyone, no matter who you are, new citizen or not, failed to vote because someone closed the door in your face.

□ 1630

There is much that I could say, and as my colleague well knows, when we are moved to speak on these issues, we are moved to speak. But I would only say that the Constitution charges us with the importance of ensuring that everyone has a right to vote.

Mr. Speaker, it is with great enthusiasm and appreciation that I join my colleagues of the House in recognition of Black History Month.

It is ironic that we are celebrating the first Black History Month of the new millennium, yet we must make so much more progress, my friends. The disenfranchisement of thousands of African American voters, along with countless others who's votes were not counted, opened many wounds in the recent election.

After the heated battles of the Civil Rights movement and the sacrifices of Martin Luther King, Malcolm X, as well as countless others, including the four little girls who were killed at the Sixteenth Street Baptist Church in Birmingham, Alabama, I believed that we had indeed made progress. Today, African Americans know that we have not yet overcome the weight of not being treated as full citizens of this great nation.

The seminal catalyst for voting rights was reflected by Dr. Martin Luther King, Jr. when he began a peaceful and historic march for black voting rights from Selma, Alabama on March 7, 1965.

When the peaceful marchers attempted to leave Selma they were beaten by law enforcement officers as they crossed the Edmund Pettus Bridge.

Two weeks later, under the protection of the Alabama National Guard, Dr. King was able to lead the march successfully, and in August of that same year President Johnson signed into law the Voting Rights Act of 1965. This was a civil rights victory because African Americans understood all too well the barriers to suffrage.

Today, I must say that history does and can repeat itself, if we are not vigilant. We have not been vigilant enough in keeping the spirit of the United States Constitution alive. We have not been vigilant in ensuring that every American has the right to freely exercise their franchise. We have not been vigilant in keeping a watchful eye on those who administer elections at the local, state, and national level.

We know that the hands of justice for black people in this country moves slowly all too often. After all, it was only last summer that men were indicted to face trial in the nearly forty year-old murders of African American girls who were killed one Sunday morning by a bomb while they participated in services at the 16th Street Baptist Church. This terrible act galvanized the civil rights movement and began a call for justice, which may at last be answered in a court of law as two Ku Klux Klansmen in Alabama's Jefferson County are finally being brought to justice for the 1963 bombing.

I am here to say that we as a nation cannot wait forty years to get our election system right. We are on a clock and it is fast approaching the mid-term elections in 2002 and the next Presidential Election Day in 2004. We must learn from the mistakes made and empower African Americans so every vote counts.

It is our nation's credo that all men, the human species both male and female, are equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. We as a nation was founded on the premise that to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, which is expressed by our nation's founders in the Constitution of the United States. Thomas Paine's work titled the ''Rights of Man,'' ably wrote ''[T]hat men mean distinct and separate things when they speak of constitutions and of governments . . . A constitution is not the act of a government, but of a people constituting a government without a constitution, is power without a right.''

The people of this nation at its inception said, ''We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.''

It is understood that the preamble to the Constitution of the United States is not a source of power for any department of the Federal Government, however, the Supreme Court has often referred to it as evidence of the origin, scope, and purpose of the Constitution. In Jacobson v. Massachusetts (1905), Justice Harlan wrote ''Although that preamble indicates the general purposes for which the people ordained and established the Constitution, it has never been regarded as the source of any substantive power conferred on the government of the United States, or on any of its departments. Such powers embrace only those expressly granted in the body of the Constitution, and such as may be implied from those so granted.''

Our Constitution, like all constitutions, is the property of a nation, and not of those who exercise the government. It is our belief, as Americans, that this democracy was and continues under the direct authority of the people of this nation.

All power exercised over a nation, must have some beginning. In America, the beginning of power is found in the Constitution, but in the history of mankind power has found two sources where it may either be delegated or assumed. There are no other sources of power other than the consent of the governed. All delegated power is trust, and all assumed power is usurpation. Time does not alter the truth or veracity of this statement. It only makes its truth clearer to those who can see and to those who learn the enlightened history of this great nation.

Our Constitution grants separately the power to legislate, to execute, and to adjudicate, and it provides throughout the document the means to accomplish those ends in a manner that would allow each of the branches of government to avoid ''blandishments and incursions of the others.'' The beauty of this document is its goal, which was to frame a system of federal government by conferring sufficient power to govern while withholding the ability to abridge the liberties of the governed. To this reason, I share Henry David Thoreau's view that ''Government does not keep the country free.'' Mr. Speaker, we as citizens must do our part in preserving the fundamental freedoms of our country.

The longstanding theory of elaborated and implemented constitutional power is grounded on several principles chief of which are: the conception that each branch performs unique and identifiable functions that are appropriate to each; and the limitation of the personnel of each branch to that branch, so that no one person or group should be able to serve in more than one branch simultaneously.

Thomas Paine argued that Government is not a trade which any man or body of men has a right to set up and exercise for his own emolument, but is altogether a trust, in right of those by whom that trust is delegated, and by who it is always resumable.

Unfortunately, evidence from the resolution of the election reveals that a breach of trust has occurred. The United States Supreme Court, sworn to protect and defend the Constitution of the United States, did not act as one might have expected. I share the disappointment of millions of Americans with the Court handling of Bush v. Gore. The unfortunate aspect of politics was meshed with the law in a way that erodes the public's confidence in our judicial system. Now, the Court must repair any institutional damage done.

The Supreme Court has more cases presented than it can possibly review and for this reason has over time applied two rules to judge the appropriateness of review the Standing Doctrine and the Ripeness Doctrine.

Standing is composed of both constitutional and prudential restraints on the power of the federal courts to render decisions. In Valley Forge Christian College v. Americans United (1982), Justice Rehnquist wrote that ''The exercise of judicial power under Art. III is restricted to litigants who can show ''injury in fact'' resulting from the action that they seek to have the court adjudicate. The Doctrine of ''standing'' has a core constitutional component that a plaintiff must allege personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by

the requested relief. The concepts of standing present questions that must be answered by reference to the Art. III notion that federal courts may exercise power only in the last resort and as a necessity, and only when adjudication is consistent with a system of separated powers and the dispute is one traditionally thought to be capable of resolution through the judicial process.

The case brought before the Court in Bush v. Gore did not establish the fine points of standing because no injury had been incurred by then Governor Bush. It was only the presumption of impending injury that prompted the court's action. The Court's decision had the real impact of stopping the counting of votes in the State of Florida, a decision that had a direct effect on the outcome of the election.

Just as the question of standing has importance in the life of judicial review, so does the Ripeness Doctrine, which defines when a case may be brought before the Supreme Court for review. In the case of United Public Workers v. Mitchell, the Court declared that it could not rule in the matter because the plaintiffs "were not threatened with actual interference with their interest," there was only a potential threat of interference of their interest. The Court viewed the threat hypothetical and not ripe for review by a court of law.

In a dissenting view in Bush v. Gore by Justice Stevens joined by Justice Ginsburg and Justice Breyer argued that the ripeness issue presented to the Court had already been assigned to the States by the Constitution. Article II, Section 1 of the Constitution defines that each state shall appoint, in such manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled for the purpose of choosing the President and Vice President of the United States.

In addition, Mr. Speaker, we cannot deny that all voters do not use the same method of voting. The condition of the Florida election was the fruit of this disparity in that the variations in the methods voting lead to different methods of tallying votes and different success or failure rates in the accuracy of those tallies. The more modern pencil mark to fill an oval on a paper ballot that is feed into a computer to tally votes was found to only hold a three percent error rate while the punch card method of tallying votes had a fifteen percent error rate.

It is clear that the injured party in this matter are the voters of Florida who had to suffer through the biased actions of a Secretary of State who campaigned for then Governor Bush. The voters struggled to be heard in the face of repeated challenges and disruptions designed to end an orderly process of discerning voter intent when the machine failed in that determination. Let us remember today that a constitution is the property of a nation, and not of those who exercise the government. All the constitutions of America are declared to be established on behalf of the authority of the people.

For this reason I introduced H.R. 60, the Secure Democracy for All Americans Act, which would create a commission to address all of the problems associated with last year's election. We can do better Mr. Speaker.

The result of this infamous decision is that African Americans were shunned by the country where we were enslaved and died for our nation on the battlefields. I do remember the cries from Republicans and Democrats after it was learned that military service men and women votes cast by absentee ballot were under threat of not being counted, because I joined them in that outrage. The cry that we should not disenfranchise these Americans was shared by all who appreciate their dedication and service to our nation. My pain was at the lack of concern that those who were veterans of past conflicts were not given the same level of concern that their votes not go uncounted because they resided in Palm Beach County, and Miami County Florida.

We can and will do better if we adopt electoral reform that enable all Americans to have their vote counted. We can accomplish that in a bipartisan way, Mr. Speaker.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentlewoman from Texas.

I now call on my colleague, the gentlewoman from the great State of California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank my colleague from Ohio for her leadership and for bringing us all together to celebrate Black History Month over the last couple of days.

As we celebrate Black History Month, we are reminded that the struggle continues in our country for equality and justice for all. The recent Presidential election reminded us that voting rights, the very essence of our democracy, must be protected and enforced. Many African Americans discovered that equality and justice did not apply to them. America has unfortunately repeated a very sad chapter in our history, and we must never repeat it again.

African Americans had to wait almost 100 years after the formal birth of our country to receive the right to vote. One of the major turning points came after the Emancipation Proclamation in 1863. Less than 3 years later, the 13th amendment was ratified ending slavery. In 1870, the 15th amendment was ratified stating that the right to vote could not be denied in this country based on race, color or previous conditions of servitude. Many blacks were elected to Congress, two to the Senate from Mississippi, Hiram Revels and Blanche Bruce, and 20 Congressmen.

Just as the black community began to enjoy some newfound political freedoms in the post-Civil War era, most of their legal rights diminished after the Presidential election of 1876. The Democratic candidate, Samuel Tilden, won the popular vote and only needed one additional electoral vote to win the Presidency. However, his opponent, Rutherford Hayes, made a deal with the Democratic Party and the white-controlled South to remove Union troops from the South, which meant the end of enforcement of black rights in that part of the country, including the right to vote.

Hayes won the election and millions of blacks lost the new rights that they barely had time to appreciate as the South ushered in the period of Jim Crow. 120 years later, in the 2000 Presidential election, one candidate won the popular vote and another won the electoral vote. Many African Americans reported numerous problems trying to exercise their constitutional right to vote.

Just as in the 1876 election, Florida was one of the States at the center of the voting controversy. In a county in Florida a police check was set up which intimidated voters. Others reported that they were told that they were purged from the voting polls, even though they were indeed registered to vote and had their voting cards with them. Still others were told they could not vote because they were felons, when in fact they were not. Voting irregularities occurred outside of Florida as well, and so the 2000 elections showed us that the need to still be vigilant about this very important right remains.

Many men and women died for the right to vote. This is part of black history, it is a part of American history. We will not take the hard-fought right to vote for granted. African Americans had to wait almost 200 years for the full legal and enforced right to vote in this Nation. We will not see those rights taken away.

In closing, let me just say to my colleagues and to all here today that we want to remember and to thank the Congressional Black Caucus for this Special Order because it is so important that we focus on Black History Month and remember the long hard battles many African Americans and other Americans have fought for basic civil rights in our country. We should learn from our history so that we are not doomed to repeat some of the major miscarriages of justice.

GENERAL LEAVE

Mrs. JONES of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on and to include therein extraneous material on the subject of my Special Order.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. JONES of Ohio. Mr. Speaker, I want to take my last minute to wrap up.

This has been a great pleasure for the past 2 days to have an opportunity to host a Special Order for Black History Month. We decided this year to focus specifically on the whole issue of voter reform and the history of voter disenfranchisement that has occurred in this country.

If I have 30 seconds left, Mr. Speaker, I want to yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentlewoman very much. I would like to share with her how appreciative I am for the time that she has taken to organize this Special Order for the Congressional Black Caucus and others who wanted to participate.

We did focus on election reform. It is extremely important. We have a very rich history in this country of making sure we correct the wrongs and we open up this country to participation by all of those who would wish to participate in this democracy. When we see a problem, we move to correct it. This focus today on election reform is about that.

We will be working to make sure we correct the problems in the system.

Mrs. CHRISTENSEN. Mr. Speaker, not only during Black History Month but appropriately, as we continue to celebrate Black History Month for 2001, the Congressional Black Caucus is using this time and the voice that is afforded to us as members of this body to come before the country and its leaders to re-issue our call to reform the election system.

The Presidential election of 2000 will be remembered by many of our citizens for not living up to the promise of ''Democracy for all''. It is therefore clear that our election system must be fixed as it relates to the election of the President—but equally important, to ensure that all Americans are afforded their right to use.

Last November, many Americans, especially African-Americans, either saw their legally cast votes not counted or encountered a mire of obstacles that prevented them from being able to vote.

What occurred in the state of Florida last November, as well as in many other places in our country and which has occurred in election after election—must never be allowed to occur again.

According to the NAACP, irregularities ranging from the ridiculous—such as calls being made to primarily Black and Hispanic communities suggesting that the NAACP was calling to urge people to vote for President Bush—to specific complaints, from the time the polls were opened until they were closed, about police stops, actual polling places being moved, or the young and old being told that they weren't registered to vote when clearly they were.

We in the CBC will live up to our reputation as the ''conscience of the Congress'' and ''the fairness cops'' of the nation.

Tomorrow, Democrats will announce the creation of a Special Committee on Election Reform to investigate all the flaws plaguing our system and take swift action by submitting recommendations to Congress on how to fix the election process. In this vein we must: modernize the machinery of voting and provide better training for poll workers and voter education; enforce the National Voter Registration Act and the Voting Rights Act to ensure that more Americans have greater access to democracy; explore structural reforms like expanded time for voting, uniform poll closing times and easier access to voter registration; and provide models of election systems that work and promote these best practices.

We pledge to do all that we can to move forward swiftly and pass the best and most relevant recommendations into law soon.

Mr. Speaker and colleagues, as we focus on the election reform we must not lose sight of the fact that equal justice includes struggling for voting rights. To this end, the lack of voting rights for my constituents and those of my colleagues from the other U.S. Territories and Commonwealths must also be addressed. The fact we are not allowed to directly participate in the choice of who will be our Commander-in-Chief is fundamentally undemocratic. The people who live in the Territories are Americans in every respect except, that by virtue of where they live, they don't get to vote for President or to have voting representation in the Congress.

We should be ashamed, that as the only remaining superpower in the world and the biggest promoter of democracy abroad, that we afford citizens in our territories less voting rights that Canada—our neighbor to the north—provides to their citizens in the Yukon Territory or than France does to the citizens in their remaining overseas territories.

And so, in the spirit and goal of Black History Month, I am committed to working with my colleagues in the Congressional Black Caucus to urge Congress as a whole, as well as President Bush, to expeditiously come-up with and put in place the critically needed election reforms that will be developed by the Special Committee on Election Reform of the Democratic Caucus and by this Caucus, including providing voting rights to the people of the Territories.

In closing, I want to commend my colleague, STEPHANIE TUBBS JONES, for organizing this Special Order tonight.

Mr. CROWLEY. Mr. Speaker, seventy-five years ago, Dr. Carter G. Woodson, a noted African American historian and scholar, founded Negro History Week. He wanted to create an occasion for African Americans to remember, honor and celebrate the accomplishments and achievements of their ancestry.

As I stand before you on this diamond anniversary, all that I can say is—what a great tradition this has become.

African American Heritage month is important because it provides an opportunity for all American families and communities to come together and reflect upon the contributions African Americans have made to this great country.

Earlier this week, I invited one of my colleagues and close friends—Congressman HAROLD FORD, Jr. of Tennessee to join me at my 2nd annual African American Heritage Month Celebration.

This year's celebration was dedicated to African American Economic Development and empowerment in the New Millennium.

Everyone who attended the event that evening had a good time. Each year, I enjoy celebrating this great tradition and look forward to it.

African Americans have such a rich heritage and culture. Neither my district, the Seventh Congressional District of New York nor this country would be what it is today without the rich contributions of African American heritage and culture. I am proud to say that I represent the district that both Louis Armstrong and Malcolm X lived until the very last days of their lives.

In the aftermath of the 2000 Presidential election, many African Americans throughout this country find themselves engaged in another struggle.

While the civil right's movement ended some time ago the struggle for equal justice and equality still continues.

After this past election, too many people of color felt that the votes they cast were not counted.

Some even felt that there was an organized effort to disenfranchise their votes and keep them from the polls.

The problems of this past election are far too reminiscent of the problems African Americans had to face prior to the passage of the Civil Rights Act of 1964 and Voting Rights Act of 1965.

So while we celebrate, we must remember that the fight for equal rights, justice and equality must continue.

I believe that all leaders, regardless of their party affiliation, race, religion or creed must do all that they can to ensure all Americans are protected under the laws of this great nation.

As I stand before you here this afternoon, I pledge to do all that I can to ensure that these rights are protected for African Americans and all Americans regardless of their race, religion or creed.

I would like to thank my colleagues in the Congressional Black Caucus, especially Representative TUBBS JONES for allowing me this time this afternoon.

Mr. VISCLOSKY. Mr. Speaker, I rise today to celebrate Black History Month with my colleagues. As we approach the 45th Anniversary of the arrests in which many of Montgomery's African American leaders, including the Reverend Dr. Martin Luther King, Jr., were indicted, tried, and convicted under an old law prohibiting boycotts, it is important for us to remember that the quest for civil rights is an ongoing journey.

The Montgomery Bus Boycott officially began on December 1, 1955, when Rosa Parks, a seamstress and civil rights activist, was arrested for disobeying a city law that required blacks to give up their seats when white people wished to sit in those seats or in the same row. After this arrest, a chain of events unfolded that had an undeniable impact on American society.

African-American community leaders quickly urged all blacks to stay off the city buses on the day that Parks' case was due in court. Dr. King later wrote, ''a miracle had taken place'' when all the buses in Montgomery were empty the following morning.

Capitalizing on the boycott's initial success, local ministers and civil rights leaders met to organize themselves as the Montgomery Improvement Association. As important as the founding of the organization itself, the group elected King as president, and the group quickly moved on a unanimous vote to continue the boycott indefinitely.

Bus boycotts had been held before for short periods of time in other Southern cities, so local authorities were not expecting the Montgomery boycott to last very long. However, the resolve shown by the community was extraordinary. The Montgomery Improvement Association even organized a ''private taxi'' plan,

under which blacks who owned cars picked up and dropped off blacks who needed rides at various points throughout the city.

Maintaining the boycott was not easy. Local leaders had their homes bombed, and private taxi drivers were arrested on trumped up traffic charges. Each day that it continued, attempts were made to break the boycott, which had hurt downtown businesses considerably.

In court, black residents of Montgomery pushed hard for complete integration of the city's buses. Because the Brown versus Board of Education decision said that the ''separate but equal'' doctrine had no place in public education, Montgomery's residents argued that the doctrine had no place in any public facilities. On November 13, 1956, the United States Supreme Court declared bus segregation unconstitutional. Montgomery's black residents returned to the buses after the Supreme Court mandate had been enacted in December of that same year—a full 382 days after the protests began.

Trying to put the Montgomery boycott into perspective is not an easy task, but I would argue that there are three key points to be made when discussing its legacy. First, the ascension of Dr. Martin Luther King as a leader is of the utmost importance. The boycott gave Dr. King a leadership position within the national movement, and he quickly became an international symbol of tolerance who worked tirelessly for the advancement of civil rights.

It should also be noted that the work of Dr. King was extraordinary because of his effectiveness at drawing support to the movement. He built a groundswell of support by recruiting like-minded people throughout the South across the normal barriers of race, age, and religion. A good example of this is the creation of the Student Non-violent Coordinating Committee in 1960, where King recruited both black and white college students to lead boycotts, sit-ins, and marches for the cause of civil rights.

Secondly, the Montgomery boycotts are an important aspect of America's history because they caught the attention of the entire nation. The massive scale and duration of this protest was widely reported, heightening public awareness to the lack of the civil rights of African-Americans.

As the first organized mass protest by blacks in Southern history, the Montgomery boycotts also set the tone for the rest of the movement. The boycott's effectiveness demonstrated the power of nonviolent direct action in the quest to end Southern segregation. Similar nonviolent protests and actions, including the important luncheon counter sit-ins that took place throughout the South at segregated stores and restaurants, can be traced to the Montgomery boycotts.

Lastly, honoring the history of the Montgomery boycott reinforces the fact that civil rights require our attention at all times. We must be vigilant at all times, to ensure that no person is ever discriminated against on the basis of the color of his or her skin. It may not always be easy, but the path has been laid out clearly for us. Collectively, we must commit ourselves to the protection of each person's unalienable rights to ''life, liberty, and the pursuit of happiness.''

Mr. CONYERS. Mr. Speaker, I commend the gentlelady from Ohio, Congresswoman STEPHANIE TUBBS JONES, for convening this critically important special order today. It is very appropriate that Members of the Congressional Black Caucus take this time to honor Black History Month, and more specifically, our nation's ongoing struggle to fulfill the promise of democracy.

When I first ran for Congress in 1964, I ran on a platform of ''Jobs, Justice and Peace.'' I never thought at that time that the fundamental plank of justice, the right to vote, would remain the primary issue before us 37 years later. I never would have thought then that there would be cases of voter intimidation, disenfranchisement and confusing ballots in the 21st century.

Like most Americans, I wanted to believe that our system of justice would do all that it could under current laws to ensure the right to vote, particularly the right of African Americans and other historically disenfranchised voters will be protected. Unfortunately this was not the case in the 2000 presidential election.

Therefore I have joined with several of my colleagues in the Congress to begin the painstaking task of looking at reform of our system of voting from the top down and from the bottom up.

So, as we celebrate the history of African-Americans, we should commit ourselves to fight harder for the future of all of America. This Congress and the current Administration, must make real, true election reform their top priority.

DEMOCRATIC CAUCUS SPECIAL COMMITTEE AND CONGRESSIONAL SPECIAL COMMITTEE

Today, Democratic Leader GEPHARDT announced the formation of a Democratic Caucus Special Committee on Election Reform, chaired by Congresswoman MAXINE WATERS, and Co-chaired by myself, STENY HOYER and a number of our colleagues who have committed themselves to this task. The Democratic Caucus is committed to working on solutions, not rehashing the past.

We are hopeful that Speaker HASTERT will appoint a Congressional Special Committee soon and look forward to working with him and all of our Republican colleagues on a nonpartisan basis.

NATIONAL ROUNDUP OF VOTER IRREGULARITIES

From reports that flawed felony voter ''purges'' may have erroneously disenfranchised thousands of African-American voters to allegations of voter irregularities across the nation, we agree that the razor-thin margin in the 2000 Presidential election illuminated serious flaws in our electoral system.

Here are just a few of the problems encountered by voters in the past election:

PROBLEMS IN FLORIDA

The Problems in Florida are well known. From butterfly ballots that no one could understand, to police roadblocks near polling places, to overbroad felony voter purges, Florida showed the system is broken.

THE PROBLEM WAS NOT JUST IN FLORIDA—IT WAS NATIONWIDE

In Georgia, ''Lines too long'' was the single most commonly heard complaint from voters. Citizens in some communities waited at the polls for two hours or more, and some metro Atlanta voters did not cast ballots until after 11:00 p.m.—a more than four-hour wait. Contributing factors in some polling places were poor layout, a shortage of well-trained poll workers, and a shortage of poll locations.

In Louisiana, people who claimed that they were prevented from voting because their voter registration at local driver's license bureaus under the ''motor voter'' law never got processed. According to the Registrar of Voters, dozens of voters in Jefferson Parish alone found themselves with no designated precinct to go to. On the west bank of New Orleans, there were 75–100 calls from people who claimed to have changed their address, but were not in the Registrar's records. And in St. Tammany, Registrar of Voters M. Dwayne Wall said that approximately 100 people called because of apparent problems with the Department of Motor Vehicles registration process.

In Missouri, it was contended that many registered voters were inaccurately stricken from the rolls after a mail canvass. They also allege that procedures for re-registering those ''inactive'' voters were too cumbersome, and that many polling places were understaffed or had no telephone contact with the board's downtown headquarters.

And in my home state, voters complained that the polling places had undertrained administrators and long lines.

STORIES OF ELECTION DAY PROBLEMS

In New Orleans, voters were not allowed to vote because their voter registration at local driver's license bureaus under the state's motor voter law never got processed. Leslie Boudreaux moved from one precinct and registered. However, she was turned away at her polling place.

In Portland, Maine, it appears that as many as 15,000 voters were illegally purged from voting rolls and were forced to wait in long lines at City Hall to register again and vote. One voter forced to stand in line, Shirley Lewellyn, said she was ''mad as hell'' about having to stand in a long registration line when she wanted to be with her husband, who was undergoing minor eye surgery. ''I've voted for 20 years at [my precinct], and when I went there this morning, they told me I wasn't on the list.''

In Columbia, South Carolina, some registered voters said they were turned away from the polls, while others said they were intimidated by poll workers and NAACP poll watchers were asked to leave poll sites.

In Boston, Mass, a volunteer who was giving voters rides to the polls received a call from an amputee for a ride to the polls. The caller stated that he had attempted to vote at the polling place he had voted a year before and was turned away. The volunteer drove the man to four different poll sites and were turned away each time. Only at the last poll site were they told that the first poll site, the one the man had visited initially, was the correct one.

THERE ARE SOLUTIONS

Most importantly, we must address the instances of voter intimidation, such as police checkpoints near polling places, and the widespread problem of overbroad felony voter purges. The best voting machines in the world won't do any good if they don't let legal voters vote.

We should have more vigorous investigation and enforcement of civil rights laws and government aid to states should be contingent upon affirmative steps by states to comply with those laws.

The most obvious problem for states and localities has been an inability or unwilliness to fund 21st Century election technology. The federal government needs to step in and provide assistance to states to replace old voting machines.

But we need to help states do more than that. States need better trained poll workers and better educated voters.

We need to ensure that polling places are accessible to persons with disabilities. More than that, it is unthinkable in the year 2001 that we have not implemented technology that allows a seeing impaired person to cast an independent secret ballot. The federal government can provide financial assistance and encouragement in this area as well.

We need to use federal dollars to encourage states to make democracy easier, by implementing same day registration procedures.

And there is a "data gap." No unbiased entity is testing voting machines. There has been no rigorous study of whether other innovations, such as an election day holiday, are needed. We need to study these issues very carefully and very quickly.

In short, Congress needs to act and it needs to act soon before these incidents are repeated in the 2002 elections.

Together we have fought to end voting disenfranchisement and secure racial justice in the electoral arena. Today, the fight continues. The voice of each American must be allowed to be heard in our democracy.

BLACK HISTORY MONTH

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

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan (Mr. SMITH) for his kindness in allowing me this time, and I want to join others in commending the Congressional Black Caucus and our colleague, the gentlewoman from Ohio (Mrs. JONES), for her leadership in calling this Special Order today.

Nothing speaks to the contribution made by the African American community to our great country than the eloquence that we heard on this floor today from our Members and the fine record of achievement by the African American community and the members of the Congressional Black Caucus to Congress over time.

The focus today on this celebration of Black History Month has been election reform. My colleagues, including the gentlewoman from California (Ms. LEE), talked about the history of voting rights in this country and how African Americans first got those rights and what the struggle has been. Now, as we look to the future, we must improve.

The issue of electronic voting, using technologies for the future, having a uniform standard, even if it is not a uniform manner of casting ballots and counting them, is essential. We must be very proactive in making sure that the people in all of our communities, including the African American community, know that when they vote, they will be counted, that indeed they do count.

We must be aware of the fact that some of the technology may increase the disparity that we have, so I caution us as we go forward to involve ourselves in those technologies which increase participation and which are more uniform in their standard rather than again advantaging those who have more resources with technology at home.

So while we have big challenges ahead, again we are blessed with the resources, the human resources of the Congressional Black Caucus in this Congress. And I want to point with pride to a newly elected member of our Board of Supervisors in San Francisco, Sophie Maxwell. She comes from a proud tradition. Her mother, Enola Maxwell, is very active in education and other social and economic justice issues in our community. Sophie is a member of the Democratic State Central Committee. She has been a leader on issues in our community. She has made us, and will make us, all very proud.

But back to the Congressional Black Caucus, I want to thank them for what they are doing. It is important to the black community and important to the Black Caucus, and it is important to our great country.

With that, Mr. Speaker, though I have so much more to say but only a little time, I wish to yield to a great leader, someone we are very, very proud of in California, she is a national leader on this and so many other subjects important to strengthening our country and making the future brighter for all of America's children, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I want to thank my colleague, the gentlewoman from California (Ms. PELOSI), for her generosity in sharing her very limited time with me so that I will have an opportunity to continue my remarks on this very important issue of elections and election reform.

I am very proud to announce that the minority leader, the gentleman from Missouri (Mr. GEPHARDT), today appointed me to serve as the chairperson for a Democratic Caucus special election reform committee. I am honored to accept that appointment and to work with the vice chairs of that committee to travel across this country holding town halls, workshops, and meetings where we will listen to the people. We will hear from the people the problems that they are experiencing in their States and in their jurisdictions as it relates to the elections process.

We were focused on the problems of the election system in Florida in this recent election, and we were amazed at the disenfranchisement that took place there in so many different ways. But we have come to understand that it is not simply Florida, but everywhere we look in this country we can point to problems. Those problems include dysfunctional voting machines, long lines where people are waiting to vote that cannot get in before the polls close. We saw the butterfly ballot, and we learned that that was kind of the decision of one person. We saw in Florida, for example, that one person in the elections office could determine that absentee ballots or requests or applications could be taken out from the office to be taken home to be worked on. We saw all kinds of things.

So we are going to go around the country, and we are going to hear more. We are going to hear about consolidations that eliminate the ability for people to participate. Again, we have a lot of work to do. We will be doing that, and we hope that everyone who would like to be involved can be involved in this.

SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, I am a farmer from Michigan, and I know that you are as well in your State of Florida.

Agriculture today and the plight of farmers is one of the serious issues before Congress. Another serious issue that is sort of the overriding consideration of where we go in the next several months is how high should taxes be in this country and how should government spend that tax money that comes down here to Washington as we decide on the priorities for spending.

This first chart is a pie chart that shows the different pieces of pie, or the percentage of spending this year that goes into several categories. Social Security takes 20 percent of all Federal spending. Social Security is the largest expenditure that we have in the Federal Government. Of course, the people at risk are the young people today that are going to be threatened with huge increases in taxes or reduced benefits in Social Security benefits.

Out of the approximately $2 trillion that we will be spending this year, 2001, 20 percent goes to Social Security. The next highest is 12 appropriation bills. Twelve of the appropriation bills all together, what we spend a half a year arguing on, spending for so-called discretionary spending, discretionary meaning what Congress has some discretion

over, is 19 percent of the budget. The other 13th appropriation bill is defense, and that takes 17 percent.

But here is Social Security now taking much more than even defense spending, with Medicare at 11 percent. Medicare is even growing because we are talking now of how do we add some prescription drug coverage to Medicare. So we are looking at the challenge of the Federal Government's expenditure and the Federal Government getting bigger. That means more imposition on individual rights. It is giving more empowerment to Congress and the White House, and it is taking away authority and authorization and power from individuals.

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So the first question it seems to me should be, how high should taxes be?

Mr. Speaker, I would ask our listening audience to give us a guess in their own mind of how many cents out of every dollar they earn goes for taxes at the local, State, and national level, what percentage of what you earn goes in taxes.

Well, if you are an average American taxpayer, a little over 41 percent goes in taxes, 41 cents out of every dollar you earn. When the seniors graduate next year or when they finish college or high school and go into the job market, on average they are going to be shelling out 41 cents of every dollar they earn in taxes, taking the first 4 months out of every year proportionately to pay taxes.

And, of course, everybody is now considering their Federal tax bill. They are looking at the taxes. If they have some investment in some mutual funds, they are getting notices on their 1099s that they have a capital gains tax to pay, even though the value of that mutual fund might have gone down in this past year.

So the question then becomes, how do we have tax fairness? It would be my suggestion that we make every possible effort to reduce taxes from that 41 percent down to at least 35 percent. That is what made this country great is the fact that you are going to get some reward for your efforts to save and invest to try to maybe get a second job or a second part-time job so you can take care of your family.

Well, we now have a tax system that says, look, not only are we going to tax you at the same rate if you get a second job, we are going to tax you at a higher rate if you start earning more money. I think there is a lot to do on tax fairness. I think there is a lot to do on tax simplification.

But I want to spend a little time talking about where we go on finances, and part of that question is how large should the Government debt be in this country.

Right now the debt today is $5.69 trillion, almost $5.7 trillion of debt. I am a farmer, as I mentioned, and our tradition on the farm has been to try to pay off some of that mortgage to leave your kids with a little better chance. But what we are doing in this country right now, in this body, and the Senate and the White House is borrowing all of this money and we are going to leave it up to our kids and our grandkids to pay back.

Without reform, Social Security leaves our kids a legacy of debt larger than we have today. Right now, of the $5.7 trillion, $3.4 trillion is so-called Treasury debt, Treasury bonds, Treasury paper. It is so-called the debt to the public, the public borrowing. The rest of the debt is debt that we borrow from the trust fund. Roughly $1.1 trillion comes from the Social Security trust fund that the Government has borrowed that extra money coming in from Social Security taxes and spent it on other programs.

Yesterday we passed a bill to make sure that we do not do that this year. And then there is $1.2 trillion that is from all of the other 119 trust funds. And so, most of what we are doing with the extra money coming in from the trust funds, we are writing out an IOU and we are using those dollars to pay down the public debt.

But when the baby-boomers start retiring around 2008, then we are looking at a situation where there is not going to be enough money coming in from Social Security taxes to pay benefits. So what do we do?

Well, what Washington has done in the past is increase taxes. I think it is important that we deal with Social Security now so that we do not rely on tax increases in the future.

And that is why we have this curve. As we pay down the debt held by the public, eventually we are going to have to start borrowing again to pay Social Security benefits and Medicare benefits, and that is going to leave our kids with that huge debt load.

The temporary debt reduction plan does little more than borrow the Social Security surplus to repay the debt held by the public; and when the baby-boomers retire. Social Security surpluses disappear and Federal debt again soars.

Again on the debt, for the whole load of hay, we see now that this is roughly the division of that $5.7 trillion of debt. But over time, if we keep borrowing money from the Social Security trust fund and Medicare trust fund and other trust funds and use that money to pay down the debt held by the public, then the debt held by the public continues to diminish, but the Social Security trust fund debt and the Medicare trust fund debt are still there. There is not enough money there to pay the benefits that are going to be required after the baby-boomers retire.

That is demonstrated in this chart. In the top left, we see a momentary surplus in Social Security taxes coming in. Right now your Social Security taxes are 12.4 percent of essentially everything you make. But when the baby-boomers retire and go out of the pay-in mode to recipients of Social Security, then the problem really hits us from twofold, a tremendous increase in the number of retirees that are going to be taking Social Security benefits and a reduced number of workers that are paying in their taxes to cover the cost of that program and starting.

Starting around 2012, there is going to be an insufficient amount of Social Security taxes coming in, so we are going to have to come up with money from someplace else.

What we have done on several occasions that I think should make every American very concerned is that we have either increased taxes and/or reduced benefits. We did that in 1977. We did it again in 1983 when we revised the Social Security system.

This red, by the way, represents $9 trillion of unfunded liability. That is why I think it is so important and I have urged this administration and, of course, I encouraged for the last 8 years the previous administration to move ahead with some changes in Social Security that will keep Social Security solvent.

I mean, if we take a trillion dollars out of this total $5.6 trillion that we are now guessing is going to be there over the next 10 years and we use that trillion to start some real returns on some of that money, we can save Social Security and keep it solvent for the next 75 years.

If we put it off, that means that we are going to have to be even more drastic in the future to make these changes. In other words, the longer we put off the solution to Social Security, the more drastic those changes are going to have to be.

I mentioned $9 trillion in today's dollars. The unfunded liability means that we would have to put $9 trillion into a savings account today to earn enough money in interest to pay benefits to add to what is going to come in in Social Security taxes to keep Social Security solvent for the next 75 years.

When Franklin D. Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement incomes. Social Security was supposed to be one leg of a three-legged stool.

I have some of those old brochures that I have looked up in the archives where it says, look, Social Security is one-third of what should be everybody's effort to have a secure retirement, one-third from Social Security, one-third from your individual savings and investment, and one-third from some kind of a pension plan that he encouraged everybody to partake in. But right now we have almost 22 percent of our Social Security recipients

that depend on Social Security for 90 percent or more of their total retirement income.

So if there is one message in all of this talk about Social Security, if there is one message we can drive home: it is the importance of saving now for your retirement.

Let me tell you another reason. I chaired the Social Security Task Force here in Congress for the last couple of years in the Committee on the Budget, and the Social Security Task Force brought in futurist experts on health and on medicine, and their guess was that within 20 years, anybody that wanted to live to be 100 years old would have that option, and their estimate was that within 40 years anybody that wanted to live to be 120 years old would have that option.

I mean, what does that mean in all of our individual lives? What does that mean for our kids? What does that mean in terms of the importance of making the changes now to keep Social Security solvent in the future?

The personal retirement accounts that a lot of people have talked about and some people have said to me, well, now is not the time to talk about individually owned accounts because look what the stock market has done over the last 12 years.

The fact is that an average person retiring from Social Security 5 years from now is going to get a 1.1 percent return on the money that was paid in that they paid in and their employer paid in. Right now the average is 1.7 percent. But as taxes go up, the percentage and the likelihood that you are going to get that money back is going to diminish.

And so, the question is, can we do better than getting a 1.1 percent or even a 1.7 percent return on some of that money?

The other danger is, so, if we can put it into individual accounts where workers of America own that account and own that money so that when the problems in Washington make Members of Congress and the Senate and the President feel that other spending is more important, that we do not again cut Social Security benefits.

So there is some security in having this in individual accounts. And we can put it in safe investments. We brought in experts into our Social Security Task Force that said, look, we can guarantee a 4.2 percent return and guarantee that you will have at least a 4.2 percent return on the way we are going, we can invest your money.

Some other insurance companies have higher rates. Some others have lower rates. But the fact is that a CD at your bank, other investments that are secure, can do a lot better than that 1.1 to 1.7 percent return.

The fact is that the Supreme Court, on two decisions now, has said that there is no entitlement to Social Security. On two decisions the Supreme Court says Social Security taxes are simply another tax. Social Security benefits are simply another law that Congress has passed, and the President has signed to have a certain benefit structure and, therefore, there is no entitlement or no necessary connection between the two.

I think that should make us nervous, also.

Social Security is a system stretched to its limits. Seventy-eight million baby-boomers will begin to retire in 2008. Of course, the baby-boomers after World War II, the soldiers came home and there was a tremendous increase in birth rate and at that time, of course, we had that huge increase in population. We had problems in building our schools and building up our education system and the kind of services necessary to deal with that expanding population, and Social Security worked very well as an expanded workforce, paid in those taxes, and those taxes immediately go out to pay the benefits of existing retirees.

□ 1700

Social Security spending exceeds tax revenues starting technically in 2015, and that is when the problems really hit us. If there was a Social Security trust fund, then the Social Security trust fund would keep Social Security solvent until 2034 or 2035.

But let me spend just a couple of minutes on what the Social Security trust fund is. You pay in currently 12.4 percent of the first roughly $80,000 you earn in Social Security taxes. For the last almost 6 years now, there has been quite a huge surplus on the taxes coming in as opposed to what was needed to pay benefits.

Again it is a pay-as-you-go program. Taxes come in and by the end of the week, they are sent out in benefits almost. We are dealing with a situation where the government then writes an IOU, but you cannot cash in that IOU. It is nonnegotiable. They write the IOU, and say we are borrowing this money; and for the last 42 years, government has been spending any surplus that came in from Social Security on other government spending.

Starting last year, for the first time, and I introduced a bill in the spring of 1999 that said we would have a rescission or we would cut all spending if we started digging into the Social Security surplus, that ended up with the lockbox bill of the gentleman from California (Mr. HERGER).

We passed that again just yesterday, a lockbox bill that says we are not going to use the Social Security surplus for any spending. But now there are a bunch of IOUs in a steel file box down there that technically says the government has borrowed this money.

The question then becomes, when Social Security needs the money, how is it going to pay it back? It is going to do one of three things. To come up with that money to pay it back for benefits, it is either going to reduce the cost of Social Security, in other words, lower benefits so there is not so much to pay back or they are going to reduce other spending or they simply borrow more money.

You remember that earlier chart, how we are going to leave our kids this huge debt. That is because to pay Social Security benefits, we are going to have to borrow those huge amounts of dollars. By huge, I mean over the next 75 years, borrowing or somehow coming up with $120 trillion. Remember, our total budget this year is $2 trillion. Over the next 75 years, coming up with $120 trillion in excess of what is coming in in Social Security taxes to pay the benefits that are currently promised.

You can see now it is a huge problem. Nobody knows quite how to solve this problem. So we keep putting it off. The danger of this legislative body, of course, is until a crisis is almost on us, we do not react in solving some of the tough problems. That is why it is so important, Mr. Speaker, that the American people understand how dramatic, how challenging the problem is of keeping Social Security solvent.

Insolvency is certain. We know how many people there are and when they are going to retire. It is not some kind of economic projection. The actuaries over in the Social Security Administration know absolutely how many people there are. Their estimate of how long people are going to live is very, very accurate; and we know how much they are going to pay in and how much they are going to take out in Social Security. Payroll taxes will not cover benefits starting in 2015, and the shortfalls will add up to $120 trillion between 2015 and 2075.

This other chart shows the paying-in problem. This is the demographics, the changing makeup of our population. Back in 1940, there were approximately 30 people working paying in their Social Security tax for every retiree. Today, there are just three people working paying in their Social Security tax for every one retiree. And over on your right, you see by 2025, the estimate is that at that time there are only going to be two people working for each retiree. Two people working for each retiree. A huge challenge, a huge potential to increase those taxes on those two workers. As you increase taxes, of course, you discourage economic development.

There is no Social Security with your name on it. As I give speeches around the country, a lot of people think that there is somehow an account that is in their name that entitles them to Social Security benefits. This is a quote from the Office of Management and Budget of the United States Government. They say: ''These trust fund balances are

available to finance future benefit payments and other trust fund expenditures, but only in a bookkeeping sense. They are the claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public or reducing benefits or other expenditures.''

I thought I would throw that quote in, Mr. Speaker, to reaffirm the point that I was just trying to make earlier, that having the Social Security trust fund and pretending that somehow that is the solution out there is fooling ourselves. It is fooling the American people.

The public debt versus Social Security shortfall. Some have suggested that if we paid back the debt held by the public, now $3.4 trillion, somehow that savings on interest is going to accommodate the $46.6 trillion shortfall between now and 2057, over the next 56 years. This chart is simply to represent that that $3.4 trillion debt and roughly the 5 percent interest on that debt is not going to accommodate the huge shortfall in Social Security.

Some people have suggested, look, if we can keep the economy going strong, that will help solve our Social Security problems. It helps solve the Social Security problems in the short run, but because there is a direct relationship in the Social Security benefits you receive to the wages that you pay in, in the long term it does not help the problem, because the more you earn and the more you pay in, eventually the higher the benefits you are going to be entitled to. And spelling this out, Social Security benefits are indexed to wage growth. When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire. Growth makes the numbers look better now but leaves a larger hole to fill later. Any administration has got to realize that saying that we are going to pay down the public debt to save Social Security is not going to do the job.

Helping me is a page by the name of Martha Stebbins. Martha is from New Hampshire. I was up in New Hampshire, Martha, and bought some maple syrup last summer. It is very good, but we make maple syrup in Michigan, too, that is pretty good. In fact, we make some maple syrup on my farm.

Back to business. The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $9 trillion. The Social Security trust fund contains nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. Neither one should be an option of this Congress or the Senate or the President.

How about investing the money? How big a risk is it? The diminishing returns of your Social Security investment. Right now, this chart represents what you might get back in terms of Social Security benefits based on what you and your employer paid in, or if you are self-employed, what you paid in.

The real return of Social Security is less than 2 percent for most workers and shows a negative return for some compared to over 7 percent for the market on the average over the last 100 years. If you look at just the last 10 years, then we are looking at returns that exceed 14 percent. It is a negative return, by the way, for minorities.

So if a young black male today because they have a shorter life span, they spend their life paying into Social Security, but then die and might get a $200 death benefit, but they essentially lose all their money. If some of this money was in their own account, then it would go to their heirs and it would not be simply kept by the Federal Government saying, well, this helps balance out everything else. On average, as I mentioned, it is 1.7 percent with a market return of over 7 percent.

This is a chart, I thought to demonstrate this point, the fact that it is not a good investment, it is not a good idea, and again let me make sure that everybody understands, Mr. Speaker, that in all of the proposals to solve Social Security, none of those proposals touch the disability and survivor benefits. So that portion of the Social Security that goes for disability, if you get hurt on the job, then you get some benefits the rest of your life, or if you die and your spouse or your kids need help, none of the proposals nor the three bills that I have introduced over the last 8 years, none of the proposals dig into that survivor disability portion of the package.

But to get back all of the money that you and your employer have paid in is going to take anybody that retires in the next several years, it is going to take 23 to 26 years that you are going to have to live after retirement to break even, to get back the money you and your employer put in. Because taxes have gone up so dramatically, that is why this graph has gone up and you are going to have to spend more time and live longer after you retire to break even. Of course, if you happened to retire in 1940, it took 2 months to get back everything you put in. In 1960, 2 years. Today it takes 23 years. You have got to live 23 years after you retire to break even and get the money back that you and your employer paid in in Social Security taxes.

This chart represents how we have increased taxes over the years. So people that say, well, you know, politicians that have to run for reelection would not dare to increase taxes again because already 75 percent of working Americans pay more in the Social Security tax than they do in the income tax. Seventy-five percent to 78 percent of Americans today pay more in Social Security tax, 78 percent if it is the total FICA tax, than they do in income tax.

And it is a very regressive way to tax. Yet this country has substantially increased that tax. In 1940, we had a 2 percent rate. That meant the employer paid 1 percent and the worker paid 1 percent on the first $3,000. The maximum for the year for both employee and employer were at $60 a year.

By 1960, we raised the rate to 6 percent, raised the base to $4,800; and the maximum was $288 a year. In 1980, we raised the rate to 10.16 percent on a base that was increased to $25,900. So the maximum went up to $2,630 a year.

Today we have a 12.4 percent tax, 6.2 for the employee and 6.2 for the employer on, since it is indexed is now up to $79,000, on the first $79,000, so the maximum total is about $10,000 a year.

This is our history of every time government has got into trouble where they needed more money than was provided by the revenues and the benefits that have been expanded, of course, over the years, then we ended up increasing taxes. And twice, in 1977 and in 1984, we also reduced benefits.

This is what I was mentioning in the FICA tax. So the FICA tax, 12.4 is Social Security; and the rest of the 15-odd is Medicare. So a total of a little over 15 percent goes in your payroll tax.

Right now 78 percent of American working families pay more in the payroll deduction in the FICA tax than they do in income tax. What I am trying to do with that chart is shout that it would be very unfair to again raise those taxes. But if we do not deal with Social Security now and we say, look, we are just going to use the Social Security surplus to pay down the debt held by the public, that $3.4 trillion to accommodate the $50 or $60 trillion shortfall in Social Security and pretend that somehow that is going to fix Social Security, I think it is not fair to ourselves to say that and I think it is not fair to the American people to think that that is going to be a possibility.

These are the six principles of my Social Security bill that I have been introducing. I was chairman of the Senate finance committee in the State of Michigan before I came here, and there were a couple of considerations and concerns I had before I came to Congress, and that was the low savings rate in the United States. We have a lower savings rate than any of the other G–7 countries.

Our savings rate is about 5 percent of what we earn. In Japan, for example, it is about 19 percent. In Korea, it has been as high as 35 percent of what they earn. We used to in this country save about 15 percent. Back in the 1940s and 1950s we were saving almost 15 percent of what we earned.

□ 1715

But now our savings rate has tremendously gone down. Part of it maybe is the advertisements of ''Fly now, pay later.'' ''Come in and get a new car and get $200 immediate cash to buy Christmas presents,'' or something.

So we have encouraged debt. So there is a danger not only of the Federal Government mounting this kind of debt, but there is a problem with individual Americans relying more and more on those credit cards or other credit systems to borrow and borrow more money. That does a couple things. Number one, it disrupts economic expansion, because savings and investment mean that that investment is what companies use to do the research, to buy the kind of state-of-art equipment and machinery that can accommodate international competition.

It was important to me when I came to Congress that I try to do the kind of things to encourage savings, and one of those things was allowing some of this large Social Security tax to be invested and to be in the name of individuals. So that is when I started writing the bills.

So, number one, my Social Security proposals protect current and future beneficiaries, allow freedom of choice. In other words, if you do not want to go with any kind of a private investment plan that will be limited to safe investments by law and you want to stay in the current system, you can. It preserves the safety net, because we are not going to allow anybody to go without food or shelter in this country. It makes Americans better off, not worse off; and it creates a fully-funded system, and no tax increase.

Personal retirement accounts offer more retirement security.

If I have to take a drink of water, that probably means that I have talked almost long enough, and maybe the listening audience has listened long enough, so I am going to finish the last few slides.

Personal retirement accounts offer more retirement security. If John Doe makes an average of $36,000 a year, he can expect monthly payments in Social Security of $1,280, or from a personal retirement account he can expect $6,514.

When we passed the Social Security law back in 1934, we said that States and local governments could opt out of Social Security and develop their own pension retirement plan. Galveston, Texas, did just that. They decided not to go into Social Security, but to have their own retirement plan. Right now this chart compares what those individuals in Galveston County have as death and disability and retirement benefits as opposed to what they would have in Social Security.

On the death benefits, Social Security, $253; the Galveston plan, $75,000 in death benefits. Social Security, $1,280; the Galveston plan, with their own investments, $2,749. Monthly retirement payments, $1,280, compared to Galveston retirees getting $4,790.

San Diego did the same option. San Diego enjoys personal retirement accounts, PRAs, as well. A 30-year-old employee who earns a salary of $30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 per month in retirement. Under the current system he would contribute twice as much in Social Security, but only receive $1,077.

The difference between San Diego's system of PRAs and Social Security is more than the difference in a check. It is also the difference in ownership, in knowing that politicians are not going to take that away from you.

Even those who oppose PRAs agree they offer more retirement security. This is a letter from Senators BARBARA BOXER and DIANNE FEINSTEIN and TED KENNEDY to President Clinton. In their letter they said, ''Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security.''

So the question is, how can we make this more available to everybody, to, in effect, guarantee they are going to be better off and they are going to have an ownership of some of that retirement account?

I represented the United States in describing our pension retirement system in an international forum in London a couple of years ago, and it is interesting the number of countries that are ahead of us in terms of allowing their workers to own personal retirement accounts.

In the 18 years since Chile offered the PRAs, 95 percent of Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year. Among others, Australia, Britain, Switzerland, all offer worker-PRAs. The British workers chose PRAs with 10 percent returns, and two out of three British workers enrolled in the second-tier social security system. They are allowed to have half of their social security taxes go into these personal retirement accounts, and they have been getting 10 percent-a-year return. Again, that compares to our Social Security return, currently at 1.7 percent.

This is what has happened in equity investments over the last 100 years. It is a graph of the ups and downs of the returns on equities. Some bad years, in the early 1920s, during the Depression, 1929, a little depression. But, on average, if you leave your money in for over 12 years, in any time period, then you did not lose any money on equity investments. The average return over this time period was 6.7 percent.

Again, we are looking at a system, such as all Federal employees know about the Thrift Savings Plan, so it is limited to safe investments. It is limited to your choice of how much you want to put in equities versus government Treasury bills versus bonds for corporations, fixed income bonds or variable interest rate income bonds. So you balance that in terms of minimizing risk, and in all cases the experts suggest that it is going to be very, very easy to do much, much better than the 1.1 to 1.7 percent return you are going to get on Social Security.

Based on a family income of $58,475, the return on a personal retirement account is even better. We divided this into three different areas, if you invest 2 percent of your wages or 6 percent of your wages or 10 percent of your wages. If the average working life span is, what, if you go to work at 20, 25, and you retire at 65, 70, so on average I suspect we are working 40 years, paying in our Social Security taxes, so let me jump way over to the 40 years.

If you were to work 40 years and invest 2 percent of your money, then you would end up with just a little over a quarter of a million dollars. If you invested 10 percent of your money, you would have $1.4 million over the 40 year-period.

What we are looking at, if you just invested this money at 2 percent for the first 20 years, you would still have $55,000 after 20 years; or if you invested at 10 percent, you would have $274,000 over 10 years.

Again, the fact is that long-term investments, even with the fluctuations for that 12-year or 15-year period, we have never had a 12- or 15-year period in the history of the stock market, of equities, where there has been a loss. Again, the average return on such an investment has been 6.7 percent.

Okay, let me finish up just briefly with the Social Security bill that I have introduced. I am rewriting that bill now to make a couple changes that I think are important.

The question is, some people argue, well, you cannot let individuals invest the money themselves. So what I have done in this legislation is I have limited the investment to safe investments, index stocks, index bonds, an index of mutual funds, or an index of some of the foreign stock investments funds. That is what we are doing in the Thrift Savings Plan also.

My legislation allows workers to invest a portion of their Social Security taxes in their own personal retirement savings accounts that start at 2.5 percent of wages and gradually increase. So 2.5 percent out of the 12.4 percent that is going in Social Security taxes you would be allowed to have in your own account and invest it in your selection of maybe four, maybe five, limited so-called safe investments, and then I would leave it up to the Secretary of Treasury to add to that any other investment potential that he thought was safe and reasonable to add to this selection.

My proposal does not increase taxes. It repeals the Social Security earnings test for everybody over 62 years old; it gives workers the choice to retire as early as 59.5 years old, and as late as 70. In my proposal, I made a suggestion that you could increase your benefits 8 percent a year for every year after 65 that you delayed taking those benefits.

Mr. Speaker, it gives workers the choice to retire at 59½. It gives each spouse equal share of the PRSAs. If you are a stay-at-home mom, you get half of what your husband makes; or if you are a stay-at-home dad, half of what your wife makes would go in your individual PRSA account. So it is always divided equally between the two spouses. If one spouse makes more than the other spouse, they are added together and divided by two to represent how much would go into each account.

It also increases widow and widower benefits up to 110 percent. That is partially to encourage retirees that might be a surviving widow or widower to live in the same home. You cannot do it now. One cannot live on half as much money as two. So this adds to the surviving spouse's benefit.

It reinforces the safety net for low-income and disabled workers. It passes the Social Security Administration's 75-year solvency test. In other words, the actuaries over at Social Security have scored this and said this will keep Social Security solvent for at least 75 years. Actually, it would keep Social Security solvent forever, the way it is written.

The bill takes a portion of on-budget surpluses over the next 10 years. That is what I would like to stress. This bill borrows $800 billion of surpluses other than the Social Security surpluses to make the transition. Since we are taking all the money essentially now that is coming in and paying out $400 billion a year in Social Security benefits, how do you come up with enough money to stop paying out? You are not going to stop paying out those benefits, so how do you make the transition?

So the transition is made from borrowing some money from the general fund. Now that we have this surplus coming in, now is the time to take that step. So if we can take $1 trillion now from the other surpluses to fix Social Security, then we are going to have Social Security solvent; and it is not going to haunt our kids and grandkids later.

It uses capital market investments to create Social Security's rate of return above the 1.7 percent workers are now receiving. Over time, PRSAs grow, and Social Security fixed benefits are reduced. It indexes future benefit increases to the cost-of-living increases instead of wage growth.

□ 1730

In other words, part of the problem now with Social Security is that benefits go up faster than the economy. Benefits increase based on wage inflation, which is higher than the CPI inflation. So one of the things my bill does is it changes the index of how much wages are increased to inflation. So it covers the increased cost of everything we buy, but it does not go up faster than everything we buy, as is currently structured under the current Social Security law.

Let me finish, Mr. Speaker, by simply saying that I think we are in luck with this new President we have. He suggested that we leave some of the money that taxpayers are paying in, now at an all-time high. We are paying more taxes now, at the 41 cents out of every dollar, than we have ever paid in the history of America in peacetime. There was one year during World War II that it was higher than what it is today.

So the fact is that another way to say that we have a surplus is saying that we are overtaxing somebody, someplace, somehow. So let us make taxes more fair, but at the same time, this President has said it is important to continue to pay down the debt so our kids and our grandkids are not left with that huge mortgage on the way we have operated government.

Thirdly, he said that we have to fix Social Security. So I am encouraged. I think the challenge before this body is not sweeping this problem of Social Security and Medicare solvency under the rug, to leave it for future Congresses or as future problems for taxpayers that will be our kids and our grandkids.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 28. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

H. Con. Res. 32. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the One Hundred Seventh Congress—

the Senator from Texas (Mrs. HUTCHISON);

the Senator from Kansas (Mr. BROWNBACK);

the Senator from Oregon (Mr. SMITH); and

the Senator from Ohio (Mr. VOINVOICH).

The message also announced that pursuant to Public Law 106–550, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the James Madison Commemoration Commission Advisory Committee—

Steven G. Calabresi, of Illinois; and

Forrest McDonald, of Alabama.

The message also announced that pursuant to Public Law 106–398 and in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore appoints the following individuals as members of the United States-China Security Review Commission:

Michael A. Ledeen, of Maryland.

Roger W. Robinson, Jr., of Maryland.

Arthur Waldron, of Pennsylvania.

PUBLICATION OF THE RULES OF THE COMMITTEE ON SCIENCE—107TH CONGRESS

The SPEAKER pro tempore (Mr. PUTNAM). Under a previous order of the House, the gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, enclosed, please find a copy of the Rules of the Committee on Science of the U.S. House of Representatives. The Committee on Science adopted these rules by voice vote on February 14, 2001. We are submitting these rules to the CONGRESSIONAL RECORD for publication in compliance with rule XI, clause 2(a)(2).

COMMITTEE ON SCIENCE RULES FOR THE 107TH CONGRESS

RULE 1. GENERAL PROVISIONS

General Statement

(a) The Rules of the House of Representatives, as applicable, shall govern the Committee and its Subcommittees, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondatable privileged motions in the Committee and its Subcommittees and shall be decided without debate. The rules of the Committee, as applicable, shall be the rules of its Subcommittees. The rules of germaneness shall be enforced by the Chairman [XI 1(a)]

Membership

(b) A majority of majority Members of the Committee shall determine an appropriate ratio of majority to minority Members of each Subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each Subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio for the Full Committee.

Power to Sit and Act; Subpoena Power

(c)(1) Notwithstanding subparagraph (2), a subpoena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony

of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by a majority of the members voting, a majority of the Committee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman. [XI 2(m)]

(2) The Chairman of the Full Committee, with the concurrence of the Ranking Minority Member of the Full Committee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than 3 days. [XI 2(m)(3)(A)(i)]

(3) A subpoena duces tecum may specify terms of return other than a meeting or a hearing of the Committee.

Sensitive or Confidential Information Received Pursuant to Subpoena

(d) Unless otherwise determined by the Committee or Subcommittee, certain information received by the Committee or Subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment and after consultation with Ranking Minority Member, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

National Security Information

(e) All national security information bearing a classification of secret or higher which has been received by the Committee or a Subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the Full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the Committee. Such procedures shall, however, ensure access to this information by any Member of the Committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

Oversight

(f) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

(g) The Chairman of the Full Committee, or of any Subcommittee, shall not undertake any investigation in the name of the Committee without formal approval by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

Order of Business

(h) The order of business and procedure of the Committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the Committee.

Suspended Proceedings

(i) During the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee, or any Member acting as such, shall suspend further proceedings after a question has been put to the Committee at any time when there is a vote by electronic device occurring in the House of Representatives.

Other Procedures

(j) The Chairman of the Full Committee, after consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

Use of Hearing Rooms

(k) In consultation with the Ranking Minority Member, the Chairman of the full Committee shall establish guidelines for use of Committee hearing rooms.

RULE 2. COMMITTEE MEETINGS [AND PROCEDURES]

Quorum [XI 2(h)]

(a)(1) One-third of the Members of the Committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of this Rule.

(2) A majority of the Members of the Committee shall constitute a quorum in order to: (A) report or table any legislation, measure, or matter; (B) close Committee meetings or hearings pursuant to Rules 2(c) and 2(d); and, (C) authorize the issuance of subpoenas pursuant to Rule 1(c).

(3) Two Members of the Committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one Member from each of the majority and minority parties.

Time and Place

(b)(1) Unless dispensed with by the Chairman, the meetings of the Committee shall be held on the 2nd and 4th Wednesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate. [XI 2(b)]

(2) The Chairman of the Committee may convene as necessary additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business subject to such rules as the Committee may adopt. The Committee shall meet for such purpose under that call of the Chairman. [XI 2(c)]

(3) The Chairman shall make public announcement of the date, time, place and subject matter of any of its hearings, and to the extent practicable, a list of witnesses at least one week before the commencement of the hearing. If the Chairman, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly made available by electronic form including the Committee website. [XI 2(g)(3)]

Open Meetings [XI 2(g)]

(c) Each meeting for the transaction of business, including the markup of legislation, of the Committee shall be open to the public, including to radio, television, and still photography coverage, except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. Persons other than Members of the Committee and such non-Committee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the Committee may authorize, may not be present at a business or markup session that is held in executive session. This Rule does not apply to open Committee hearings which are provided for by Rule 2(d).

(d)(1) Each hearing conducted by the Committee shall be open to the public including radio, television, and still photography coverage except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 2(q) a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony:

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information or would violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member, Delegate, or Resident Commissioner may be excluded from non-participatory attendance at any hearing of any Committee or Subcommittee, unless the House of Representatives shall by majority vote authorize a particular Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegate and the Resident Commissioner by the same procedures designated in this Rule for closing hearings to the public: Provided, however, that the Committee or Subcommittee may by the same procedure vote to close one subsequent day of the hearing.

Audio and Visual Coverage [XI, clause 4]

(e)(A) Whenever a hearing or meeting conducted by the Committee is open to the public, these proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 4(f)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).

(B)(1) Radio and television tapes, television film, and internet recordings of any Committee hearings or meetings that are open to the public may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(2) It is, further, the intent of this rule that the general conduct of each meeting or hearing covered under authority of this rule by audio or visual means, and the personal behavior of the Committee Members and staff, other government officials and personnel, witnesses, television, radio, and press

media personnel, and the general public at the meeting or hearing, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to:

(i) distort the object and purposes of the meeting or hearing or the activities of Committee Members in connection with that meeting or hearing or in connection with the general work of the Committee or of the House; or

(ii) cast discredit or dishonor on the House, the Committee, or a Member, Delegate, or Resident Commissioner or bring the House, the Committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(3) The coverage of Committee meetings and hearings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this rule.

(f) The following shall apply to coverage of Committee meetings or hearings by audio or visual means:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a Committee or Subcommittee Chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a Committee or Subcommittee Chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a Committee or Subcommittee Chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the Committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Special Meetings

(g) Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

Vice Chairman to Preside in Absence of Chairman

(h) Meetings and hearings of the Committee shall be called to order and presided over by the Chairman or, in the Chairman's absence, by the member designated by the Chairman as the Vice Chairman of the Committee, or by the ranking majority member of the Committee present as Acting Chairman. [XI 2(d)]

Opening Statements; 5-Minute Rule

(i) Insofar as is practicable, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally between the Chairman and Ranking Minority Member. The time any one Member any address the Committee on any bill, motion or other matter under consideration by the Committee or the time allowed for the questioning of a witness at hearings before the Committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting. [XI 2(j)]

(j) Notwithstanding Rule 2(i), upon a motion the Chairman, in consultation with the Ranking Minority Member, may designate an equal number of members from each party to question a witness for a period not to exceed one hour in the aggregate or, upon a motion, may designate staff from each party to question a witness for equal specific periods that do not exceed one hour in the aggregate. [XI 2(j)]

Proxies

(k) No Member may authorize a vote by proxy with respect to any measure or matter before the Committee. [XI 2(f)]

Witnesses

(l)(1) Insofar as is practicable, each witness who is to appear before the Committee shall file no later than twenty-four (24) hours in advance of his or her appearance, a written statement of the proposed testimony and curriculum vitae. Each witness shall limit his or her presentation to a 5-minute summary, provided that additional time may be granted by the Chairman when appropriate. [XI 2(g)(4)]

(2) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) which is relevant to the subject of his or her testimony and was received during the current fiscal year or either of the 2 preceding fiscal years by the witness or by an entity represented by the witness. (XI 2(g)(4)]

(m) Whenever any hearing is conducted by the Committee on any measure or matter, the minority Members of the Committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon. [XI 2(j)(1)]

Hearing Procedures

(n) Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference.

Bill and Subject Matter Consideration

(o) Bills and other substantive matters may be taken up for consideration only when called by the Chairman of the Committee or by a majority vote of a quorum of the Committee, except those matters which are the subject of special-call meetings outlined in Rule 2(g). [XI 2(c)]

Private Bills

(p) No private bill will be reported by the Committee if there are two or more dissenting votes. Private bills so rejected by the Committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Committee.

Consideration of Measure or Matter

(q)(1) It shall not be in order for the Committee to consider any new or original measure of matter unless written notice of the date, place and subject matter of consideration and to the maximum extent practicable, a written copy of the measure or matter to be considered, and to the maximum extent practicable the original text for purposes of markup of the measure to be considered have been available to each Member of the Committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays. To the maximum extent practicable, amendments to the measure or matter to be considered, shall be submitted in writing to the Clerk of the Committee at least 24 hours prior to the consideration of the measure or matter. [XIII 4(a)]

(2) Notwithstanding paragraph (1) of this rule, consideration of any legislative measure or matter by the Committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the Committee is present.

Requests for Written Motions

(r) Any legislative or non-procedural motion made at a regular or special meeting of the Committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

Requests for Record Votes at Full Committee

(s) A record vote of the Members may be had at the request of three or more Members or in the apparent absence of a quorum, by any one Member.

Report Language on Use of Federal Resources

(t) No legislative report filed by the Committee on any measure or matter reported by the Committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the

Committee during a meeting or otherwise in writing by a majority of the Members.

Committee Records

(u)(1) The Committee shall keep a complete record of all Committee action which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting. [XI 2(e)]

(2) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written requires of my Member of the Committee. [XI 2(e)(3)]

(3) To the maximum extent feasible, the Committee shall make its publications available in electronic form, including the Committee website. [XI 2(e)(4)]

(4)(A) Except as provided for in subdivision (B), all Committee hearings records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its Chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner, shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of the Committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of the Committee.

Publication of Committee Hearings and Markups

(v) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript. Transcripts of markups shall be recorded and published in the same manner as hearings before the Committee and shall be included as part of the legislative report unless waived by the Chairman.

RULE 3. SUBCOMMITTEES

Structure and Jurisdiction

(a) The Committee shall have the following standing Subcommittees with the jurisdiction indicated.

(1) Subcommittee on Energy

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to energy research, development, and demonstration and projects therefor, and commercial application of energy technology including:

Department of Energy research, development, and demonstration programs;

Department of Energy laboratories;

Department of Energy science activities;

Energy supply activities;

Nuclear, solar and renewable energy, and other advanced energy technologies;

Uranium supply and enrichment, and Department of Energy waste management and environment, safety, and health activities as appropriate;

Fossil energy research and development;

Clean coal technology;

Energy conservation research and development;

Energy aspects of climate change; and energy standards.

(2) Subcommittee on Environment, Technology, and Standards

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to competitiveness, technology, and environmental research, development, and demonstration including:

Technical standards and standardization of measurement;

The National Institute of Standards and Technology;

The National Technical Information Service;

Competitiveness, including small business competitiveness;

Tax antitrust, regulatory and other legal and governmental policies as they related to technological development and commercialization;

Technology transfer;

Patent and intellectual property policy;

International technology trade;

Research, development, and demonstration activities of the Department of Transportation;

Surface and water transportation research, development, and demonstration programs;

Environmental Protection Agency research and development programs;

Biotechnology policy;

National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research;

Risk assessment activities; and

Scientific issues related to environmental policy, including climate change.

(3) Subcommittee on Research

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to science policy including:

Office of Science and Technology Policy;

All scientific research, and scientific and engineering resources (including human resources), math, science and engineering education;

Intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs;

International scientific cooperation;

National Science Foundation;

University research policy, including infrastructure and overhead;

University research partnerships, including those with industry;

Science scholarships;

Issues relating to computers, communications, and information technology;

Earthquake and fire research programs;

Research and development relating to health, biomedical, and nutritional programs;

To the extent appropriate, agricultural, geological, biological and life sciences research; and;

Materials research, development, and demonstration and policy.

(4) Subcommittee on Space and Aeronautics

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including:

National space policy, including access to space;

Sub-orbital access and applications;

National Aeronautics and Space Administration and its contractor and government-operated laboratories;

Space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce;

Exploration and use of outer space;

International space cooperation;

National Space Council;

Space applications, space communications and related matters;

Earth remote sensing policy;

Civil aviation research, development, and demonstration;

Research, development, and demonstration programs of the Federal Aviation Administration; and

Space law.

Referral of Legislation

(b) The Chairman shall refer all legislation and other matters referred to the Committee to the Subcommittee or Subcommittees of appropriate jurisdiction within two weeks, unless the Chairman deems consideration is to be by the Full Committee. Subcommittee Chairmen may make requests for referral of specific matters to their Subcommittee within the two week period if they believe Subcommittee jurisdictions so warrant.

Ex-Officio Members

(c) The Chairman and Ranking Minority Member shall serve as ex-officio Members of all Subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the Subcommittee.

Procedures

(d) No Subcommittee shall meet for markup or approval when any other Subcommittee of the Committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

(e) Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. For matters within its jurisdiction, each Subcommittee is authorized to conduct legislative, investigative, forecasting, and general oversight hearings; to conduct inquiries into the future; and to undertake budget impact studies. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman and other Subcommittee Chairmen with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

(f) Any Member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the Subcommittee shall

vote on any matter before such Subcommittee, except as provided in Rule 3(c).

(g) During any Subcommittee proceeding for markup or approval, a record vote may be had at the request of one or more Members of that Subcommittee.

RULE 4. REPORTS

Substance of Legislative Reports

(a) The report of the Committee on a measure which has been approved by the Committee shall include the following, to be provided by the Committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [XIII, 3(c)];

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [XIII, 3(c)(2)];

(3) With respect to reports on a bill or joint resolution of a public character, a ''Constitutional Authority Statement'' citing the specific powers granted to Congress by the Constitution pursuant to which the bill or joint resolution is proposed to be enacted.

(4) with respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter;

(5) the estimate and comparison prepared by the Committee under Rule XIII, clause 3(d)(2) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule has been timely submitted prior to the filing of the report and included in the report [XIII, 3(d)(3)(D)];

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII, clause 3]; and

(7) a transcript of the markup of the measure or matter unless waived under Rule 2(v).

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding. [XIII, 3(c)]

(b) The report of the Committee on a measure which has been approved by the Committee shall further include the following, to be provided by sources other than the Committee:

(1) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the Committee [XIII, clauses 2–4];

(2) if the Committee has not received prior to the filing of the report the material required under paragraph (1) of this Rule, then it shall include a statement to that effect in the report on the measure.

Minority and Additional Views [XI 2(l)]

(c) If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the Committee. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under Rule 4(b)(1)) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a Committee report unless timely requested for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that Committee upon that measure or matter.

(d) The Chairman of the Committee or Subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the Committee or Subcommittee, as appropriate, decides to extend the time for submission of views the 2 subsequent calendar days after the day of notice, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

Consideration of Subcommittee Reports

(e) Reports and recommendations of a Subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and made available to full Committee membership and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman after consultation with the Ranking Minority Member.

Timing and Filing of Committee Reports [XIII]

(f) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken the necessary steps to bring the matter to a vote. To the maximum extent practicable, the written report of the Committee on such measures shall be made available to the Committee membership for review at least 24 hours in advance of filing.

(g) The report of the Committee on a measure which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by the majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(h)(1) Any document published by the Committee as a House Report, other than a report of the Committee on a measure which has been approved by the Committee, shall be approved by the Committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 4(c).

(2) Subject to paragraphs (3) and (4), the Chairman may approve the publication of any document as a Committee print which in his discretion he determines to be useful for the information of the Committee.

(3) Any document to be published as a Committee print which purports to express the views, findings, conclusions, or recommendations of the Committee or any of its Subcommittees must be approved by the Full Committee or its Subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(4) Any document to be published as a Committee print other than a document described in paragraph (3) of this Rule: (A) shall include on its cover the following statement: ''This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;'' and (B) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

(i) A report of an investigation or study conducted jointly by this Committee and one or more other Committee(s) may be filed jointly, provided that each of the Committees complies independently with all requirements for approval and filing of the report.

(j) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that members shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

(k) After an adjournment sine die of the last regular session of a Congress, the Chairman may file the Committee's Activity Report for that Congress under clause 1(d)(1) of Rule XI of the Rules of the House with the Clerk of the House at anytime and without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least 7 calendar days and that the report includes any supplemental, minority, or additional views submitted by a member of the Committee. [XI 1(d), XI 1(d)(4)]

Oversight Reports

(l) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day). [XI 1(b)(2)]

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE

Rule X. Organization of Committees.

Committees and their legislative jurisdictions.

1. There shall be in the House the following standing Committees, each of which shall have the jurisdiction and related functions

assigned to it by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing Committees listed in this clause shall be referred to those Committees, in accordance with clause 2 of rule XII, as follows:

* * * * *

(n) Committee on Science.

(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

(3) Civil aviation research and development.

(4) Environmental research and development.

(5) Marine research.

(6) Commercial application of energy technology.

(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

(8) National Aeronautics and Space Administration.

(9) National Space Council.

(10) National Science Foundation.

(11) National Weather Service.

(12) Outer space, including exploration and control thereof.

(13) Science Scholarships.

(14) Scientific research, development, and demonstration, and projects therefor.

* * * * *

SPECIAL OVERSIGHT FUNCTIONS

3. (j) The Committee on Science shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. CAPITO (at the request of Mr. ARMEY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mr. POMEROY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. VISCLOSKY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

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

Mrs. BIGGERT, for 5 minutes, today.

Mr. KELLER, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. THOMAS, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes, today.

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

Ms. PELOSI, for 5 minutes, today.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 32 of the 107th Congress, the House stands adjourned until 2 p.m., Monday, February 26, 2001.

Thereupon, (at 5 o'clock and 32 minutes p.m.), pursuant to House Concurrent Resolution 32, the House adjourned until Monday, February 26, 2001, at 2 p.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I. AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 107th Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1. Sonny Callahan
2. Terry Everett
3. Bob Riley
4. Robert B. Aderholt
5. Robert E. (Bud) Cramer, Jr.
6. Spencer Bachus
7. Earl F. Hilliard

ALASKA

At Large

Don Young

ARIZONA

1. Jeff Flake
2. Ed Pastor
3. Bob Stump
4. John B. Shadegg
5. Jim Kolbe
6. J.D. Hayworth

ARKANSAS

1. Marion Berry
2. Vic Snyder
3. Asa Hutchinson
4. Mike Ross

CALIFORNIA

1. Mike Thompson
2. Wally Herger
3. Doug Ose
4. John T. Doolittle
5. Robert T. Matsui
6. Lynn C. Woolsey
7. George Miller
8. Nancy Pelosi
9. Barbara Lee
10. Ellen O. Tauscher
11. Richard W. Pombo
12. Tom Lantos
13. Fortney Pete Stark
14. Anna G. Eshoo
15. Michael M. Honda
16. Zoe Lofgren
17. Sam Farr
18. Gary A. Condit
19. George Radanovich
20. Calvin M. Dooley
21. William M. Thomas
22. Lois Capps
23. Elton Gallegly
24. Brad Sherman
25. Howard P. ''Buck'' McKeon
26. Howard L. Berman
27. Adam B. Schiff
28. David Dreier
29. Henry A. Waxman
30. Xavier Becerra
31. Hilda L. Solis
33. Lucille Roybal-Allard
34. Grace F. Napolitano
35. Maxine Waters
36. Jane Harman
37. Juanita Millender-McDonald
38. Stephen Horn
39. Edward R. Royce
40. Jerry Lewis
41. Gary G. Miller
42. Joe Baca
43. Ken Calvert
44. Mary Bono
45. Dana Rohrabacher
46. Loretta Sanchez
47. Christopher Cox
48. Darrell E. Issa
49. Susan A. Davis
50. Bob Filner
51. Randy ''Duke'' Cunningham
52. Duncan Hunter

COLORADO

1. Diana DeGette
2. Mark Udall
3. Scott McInnis
4. Bob Schaffer
5. Joel Hefley
6. Thomas G. Tancredo

CONNECTICUT

1. John B. Larson
2. Rob Simmons
3. Rosa L. DeLauro
4. Christopher Shays
5. James H. Maloney
6. Nancy L. Johnson

DELAWARE

At Large

Michael N. Castle

FLORIDA

1. Joe Scarborough
2. Allen Boyd
3. Corrine Brown
4. Ander Crenshaw
5. Karen L. Thurman
6. Cliff Stearns
7. John L. Mica
8. Ric Keller
9. Michael Bilirakis
10. C.W. Bill Young
11. Jim Davis
12. Adam H. Putnam
13. Dan Miller
14. Porter J. Goss
15. Dave Weldon
16. Mark Foley
17. Carrie P. Meek
18. Ileana Ros-Lehtinen
19. Robert Wexler
20. Peter Deutsch
21. Lincoln Diaz-Balart
22. E. Clay Shaw, Jr.
23. Alcee L. Hastings

GEORGIA

1. Jack Kingston
2. Sanford D. Bishop, Jr.
3. Mac Collins
4. Cynthia A. McKinney
5. John Lewis
6. Johnny Isakson
7. Bob Barr
8. Saxby Chambliss
9. Nathan Deal
10. Charlie Norwood
11. John Linder

HAWAII

1. Neil Abercrombie
2. Patsy T. Mink

IDAHO

1. C.L. ''Butch'' Otter
2. Michael K. Simpson

ILLINOIS

1. Bobby L. Rush
2. Jesse L. Jackson, Jr.
3. William O. Lipinski
4. Luis V. Gutierrez
5. Rod R. Blagojevich
6. Henry J. Hyde
7. Danny K. Davis
8. Philip M. Crane
9. Janice D. Schakowsky
10. Mark Steven Kirk
11. Jerry Weller
12. Jerry F. Costello
13. Judy Biggert
14. J. Dennis Hastert
15. Timothy V. Johnson
16. Donald A. Manzullo
17. Lane Evans
18. Ray LaHood
19. David D. Phelps
20. John Shimkus

INDIANA

1. Peter J. Visclosky
2. Mike Pence
3. Tim Roemer
4. Mark E. Souder
5. Steve Buyer
6. Dan Burton
7. Brian D. Kerns
8. John N. Hostettler
9. Baron P. Hill
10. Julia Carson

IOWA

1. James A. Leach
2. Jim Nussle
3. Leonard L. Boswell
4. Greg Ganske
5. Tom Latham

KANSAS

1. Jerry Moran
2. Jim Ryun
3. Dennis Moore
4. Todd Tiahrt

KENTUCKY

1. Ed Whitfield
2. Ron Lewis
3. Anne M. Northup
4. Ken Lucas
5. Harold Rogers
6. Ernie Fletcher

LOUISIANA

1. David Vitter
2. William J. Jefferson
3. W.J. (Billy) Tauzin
4. Jim McCrery
5. John Cooksey
6. Richard H. Baker
7. Christopher John

MAINE

1. Thomas H. Allen
2. John Elias Baldacci

MARYLAND

1. Wayne T. Gilchrest
2. Robert L. Ehrlich, Jr.
3. Benjamin L. Cardin
4. Albert Russell Wynn
5. Steny H. Hoyer
6. Roscoe G. Bartlett
7. Elijah E. Cummings
8. Constance A. Morella

MASSACHUSETTS

1. John W. Olver
2. Richard E. Neal
3. James P. McGovern
4. Barney Frank
5. Martin T. Meehan
6. John F. Tierney
7. Edward J. Markey
8. Michael E. Capuano
9. John Joseph Moakley
10. William D. Delahunt

MICHIGAN

1. Bart Stupak
2. Peter Hoekstra
3. Vernon J. Ehlers
4. Dave Camp
5. James A. Barcia
6. Fred Upton
7. Nick Smith
8. Mike Rogers
9. Dale E. Kildee
10. David E. Bonior
11. Joe Knollenberg
12. Sander M. Levin
13. Lynn N. Rivers
14. John Conyers, Jr.
15. Carolyn C. Kilpatrick
16. John D. Dingell

MINNESOTA

1. Gil Gutknecht
2. Mark R. Kennedy
3. Jim Ramstad
4. Betty McCollum
5. Martin Olav Sabo
6. Bill Luther
7. Collin C. Peterson
8. James L. Oberstar

MISSISSIPPI

1. Roger F. Wicker
2. Bennie G. Thompson
3. Charles W. ''Chip'' Pickering
4. Ronnie Shows
5. Gene Taylor

MISSOURI

1. Wm. Lacy Clay
2. W. Todd Akin
3. Richard A. Gephardt
4. Ike Skelton
5. Karen McCarthy
6. Sam Graves
7. Roy Blunt
8. Jo Ann Emerson
9. Kenny C. Hulshof

MONTANA

At Large

Dennis R. Rehberg

NEBRASKA

1. Doug Bereuter
2. Lee Terry
3. Tom Osborne

NEVADA

1. Shelley Berkley
2. Jim Gibbons

NEW HAMPSHIRE

1. John E. Sununu
2. Charles F. Bass

NEW JERSEY

1. Robert E. Andrews
2. Frank A. LoBiondo
3. Jim Saxton
4. Christopher H. Smith
5. Marge Roukema
6. Frank Pallone, Jr.
7. Mike Ferguson
8. Bill Pascrell, Jr.
9. Steven R. Rothman
10. Donald M. Payne
11. Rodney P. Frelinghuysen
12. Rush D. Holt
13. Robert Menendez

NEW MEXICO

1. Heather Wilson
2. Joe Skeen
3. Tom Udall

NEW YORK

1. Felix J. Grucci, Jr.
2. Steve Israel
3. Peter T. King
4. Carolyn McCarthy
5. Gary L. Ackerman
6. Gregory W. Meeks
7. Joseph Crowley
8. Jerrold Nadler
9. Anthony D. Weiner
10. Edolphus Towns
11. Major R. Owens
12. Nydia M. Velázquez
13. Vito Fossella
14. Carolyn B. Maloney
15. Charles B. Rangel
16. José E. Serrano
17. Eliot L. Engel
18. Nita M. Lowey
19. Sue W. Kelly
20. Benjamin A. Gilman
21. Michael R. McNulty
22. John E. Sweeney
23. Sherwood L. Boehlert
24. John M. McHugh
25. James T. Walsh
26. Maurice D. Hinchey
27. Thomas M. Reynolds
28. Louise McIntosh Slaughter
29. John J. LaFalce
30. Jack Quinn
31. Amo Houghton

NORTH CAROLINA

1. Eva M. Clayton
2. Bob Etheridge
3. Walter B. Jones
4. David E. Price
5. Richard Burr
6. Howard Coble
7. Mike McIntyre
8. Robin Hayes
9. Sue Wilkins Myrick
10. Cass Ballenger
11. Charles H. Taylor

12. Melvin L. Watt

NORTH DAKOTA

At Large

Earl Pomeroy

OHIO

1. Steve Chabot
2. Rob Portman
3. Tony P. Hall
4. Michael G. Oxley
5. Paul E. Gillmor
6. Ted Strickland
7. David L. Hobson
8. John A. Boehner
9. Marcy Kaptur
10. Dennis J. Kucinich
11. Stephanie Tubbs Jones
12. Patrick J. Tiberi
13. Sherrod Brown
14. Tom Sawyer
15. Deborah Pryce
16. Ralph Regula
17. James A. Traficant, Jr.
18. Robert W. Ney
19. Steven C. LaTourette

OKLAHOMA

1. Steve Largent
2. Brad Carson
3. Wes Watkins
4. J.C. Watts, Jr.
5. Ernest J. Istook, Jr.
6. Frank D. Lucas

OREGON

1. David Wu
2. Greg Walden
3. Earl Blumenauer
4. Peter A. DeFazio
5. Darlene Hooley

PENNSYLVANIA

1. Robert A. Brady
2. Chaka Fattah
3. Robert A. Borski
4. Melissa A. Hart
5. John E. Peterson
6. Tim Holden
7. Curt Weldon
8. James C. Greenwood
9. Bud Shuster
10. Don Sherwood
11. Paul E. Kanjorski
12. John P. Murtha
13. Joseph M. Hoeffel
14. William J. Coyne
15. Patrick J. Toomey
16. Joseph R. Pitts
17. George W. Gekas
18. Michael F. Doyle
19. Todd Russell Platts
20. Frank Mascara
21. Phil English

RHODE ISLAND

1. Patrick J. Kennedy
2. James R. Langevin

SOUTH CAROLINA

1. Henry E. Brown, Jr.
2. Floyd Spence
3. Lindsey O. Graham
4. Jim DeMint
5. John M. Spratt, Jr.
6. James E. Clyburn

SOUTH DAKOTA

At Large

John R. Thune

TENNESSEE

1. William L. Jenkins
2. John J. Duncan, Jr.
3. Zach Wamp
4. Van Hilleary
5. Bob Clement
6. Bart Gordon
7. Ed Bryant
8. John S. Tanner
9. Harold E. Ford, Jr.

TEXAS

1. Max Sandlin
2. Jim Turner
3. Sam Johnson
4. Ralph M. Hall
5. Pete Sessions
6. Joe Barton
7. John Abney Culberson
8. Kevin Brady
9. Nick Lampson
10. Lloyd Doggett
11. Chet Edwards
12. Kay Granger
13. Mac Thornberry
14. Ron Paul
15. Rubén Hinojosa
16. Silvestre Reyes
17. Charles W. Stenholm
18. Sheila Jackson-Lee
19. Larry Combest
20. Charles A. Gonzalez
21. Lamar S. Smith
22. Tom DeLay
23. Henry Bonilla
24. Martin Frost
25. Ken Bentsen
26. Richard K. Armey
27. Solomon P. Ortiz
28. Ciro D. Rodriguez
29. Gene Green
30. Eddie Bernice Johnson

UTAH

1. James V. Hansen
2. Jim Matheson
3. Chris Cannon

VERMONT

At Large

Bernard Sanders

VIRGINIA

1. Jo Ann Davis
2. Edward L. Schrock
3. Robert C. Scott
4. Norman Sisisky
5. Virgil H. Goode, Jr.
6. Bob Goodlatte
7. Eric Cantor
8. James P. Moran
9. Rick Boucher
10. Frank R. Wolf
11. Thomas M. Davis

WASHINGTON

1. Jay Inslee
2. Rick Larsen
3. Brian Baird
4. Doc Hastings
5. George R. Nethercutt, Jr.
6. Norman D. Dicks
7. Jim McDermott
8. Jennifer Dunn
9. Adam Smith

WEST VIRGINIA

1. Alan B. Mollohan
2. Shelley Moore Capito
3. Nick J. Rahall II

WISCONSIN

1. Paul Ryan
2. Tammy Baldwin
3. Ron Kind
4. Gerald D. Kleczka
5. Thomas M. Barrett
6. Thomas E. Petri
7. David R. Obey
8. Mark Green
9. F. James Sensenbrenner, Jr.

WYOMING

At Large

Barbara Cubin

PUERTO RICO

Resident Commissioner

Aníbal Acevedo-Vilá

AMERICAN SAMOA

Delegate

Eni F. H. Faleomavaega

DISTRICT OF COLUMBIA

Delegate

Eleanor Holmes Norton

GUAM

Delegate

Robert A. Underwood

VIRGIN ISLANDS

Delegate

Donna M. Christensen

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Robert E. Andrews, Richard K. Armey, Spencer Bachus, Brian Baird, Richard H. Baker, John Elias E. Baldacci, Tammy Baldwin, Cass Ballenger, Bob Barr, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Judy Biggert, Michael Bilirakis, Rod R. Blagojevich, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Robert A. Borski, Leonard L. Boswell, Rick Boucher, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Benjamin L. Cardin, Brad Carson, Michael N. Castle, Steve Chabot, Saxby Chambliss, Wm. Lacy Clay, Eva M. Clayton, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, Christopher Cox, William J. Coyne, Philip P. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Randy ''Duke'' Cunningham, Danny K. Davis, Jo Ann Davis, Thomas M. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Phil English, Lane Evans, Terry Everett, Sam Farr, Mike Ferguson, Jeff Flake, Ernie Fletcher, Mark Foley, Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Felix J. Grucci, Jr., Gil Gutknecht, Tony P. Hall, James V. Hansen, Jane Harman, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Wally Herger, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Rush D. Holt, Michael M. Honda, Darlene Hooley, Stephen Horn, John N. Hostettler, Amo

Houghton, Steny H. Hoyer, Kenny C. Hulshof, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Brian D. Kerns, Dale E. Kildee, Ron Kind, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, Ray LaHood, Nick Lampson, James R. Langevin, Steve Largent, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Robert T. Matsui, Carolyn McCarthy, Jim McCrery, John McHugh, Scott McInnis, Howard P. McKeon, Michael R. McNulty, Martin T. Meehan, Carrie P. Meek, Gregory W. Meeks, John L. Mica, Dan Miller, Gary G. Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Charlie Norwood, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Tom Osborne, Doug Ose, C. L. Otter, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, David D. Phelps, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Rob Portman, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Steven R. Rothman, Marge Roukema, Edward R. Royce, Bobby L. Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Rob Simmons, Michael K. Simpson, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, John R. Thune, Karen L. Thurman, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, James A. Traficant, Jr., Mark Udall, Robert A. Underwood, Fred Upton, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Wes Watkins, J.C. Watts, Jr., Henry A. Waxman, Curt Weldon, Dave Weldon, Jerry Weller, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, Lynn C. Woolsey, Albert Russell Wynn, C.W. Bill Young, Don Young,

EXECUTIVE COMMUNICATIONS, ETC.

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

823. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flutolanil, N-(3-(1-methylethoxy) phenyl)-2-(trifuoromethyl)benzamide; Pesticide Tolerance [OPP–301094; FRL–6761–1] (RIN: 2070–AB78) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

824. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clomazone; Pesticide Tolerance [OPP–301101; FRL–6764–2] (RIN: 2070–AB78) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

825. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Carboxin; Extension of Tolerance for Emergency Exemptions [OPP–301100; FRL–6762–9] (RIN: 2070–AB78) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

826. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Office of Security and Emergency Operations; Security Requirements for Protected Disclosures Under Section 3164 of the National Defense Authorization Act for Fiscal Year 2000 [Docket No. SO-RM–00–3164] (RIN: 1992–AA26) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

827. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Guidelines for Safeguarding Member Information—received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

828. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule— Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (RIN: 1901–AA87) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

829. A communication from the President of the United States, transmitting clarification of Presidential Determiniation 2000–30 that was issued on September 19, 2000; to the Committee on Energy and Commerce.

830. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Nuclear Safety Management (RIN: 1901–AA34) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

831. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Contractor Legal Management Requirements; Department of Energy Acquisition Regulation (RIN: 1990–AA27) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

832. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Medicaid Managed Care [HCFA–2001–FC] (RIN: 0938–AI70) received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

833. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans, One-Hour Ozone Attainment Demonstrations and Attainment Date Extension for the Metropolitan Washington D.C. Ozone Nonattainment Area; Correction [DC–2025, MD–3064, VA–5052; FRL–6943–9] received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

834. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a notification to terminate the identification of Serbia as a particularly severe violator of religious freedom; to the Committee on International Relations.

835. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a notification to Authorize the Furnishing of Emergency Military Assistance to the United Nations Mission in Sierra Leone (UNAMSIL), Countries Participating in UNAMSIL, and Other Countries Involved in Peacekeeping Efforts or Affiliated Coalition Operations With Respect to Sierra Leone; to the Committee on International Relations.

836. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received February 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

837. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Suitability (RIN: 3206–AC19) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

838. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; 2001 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs [Docket No. 991228355–0370–04; I.D. 101200F] (RIN: 0648–AM50) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives Stemme GmbH & Co. KG Models S10 and S10–V Sailplanes [Docket No. 2000–CE–81–AD; Amendment 39–12068; AD 2000–26–18] (RIN: 2120–AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2000–SW–07–AD; Amendment 39–12044; AD 2000–25–09] (RIN: 2120–AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 P1 and EC135 T1 Helicopters [Docket No. 2000–SW–23–AD; Amendment 39–12062; AD 2000–26–12] (RIN: 2120–AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G–1159A(G-III) Series Airplanes [Docket No. 2000–NM–144–AD; Amendment 39–12070; AD 2000–26–20] (RIN: 2120–AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA-Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 2000–CE–82–AD; Amendment 39–12069; AD 2000–26–19] (RIN: 2120–AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

844. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV); Requirements for Operators of Small Passenger-Carrying CMVs; Delay of Effective Date [Docket Nos. FMCSA–97–2858 and FMCSA–99–5710] (RINs: 2126–AA51 and 2126–A44 [formerly RINs: 2125–E22 and 2125–AE60]) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

845. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Further Revisions to the Clean Water Act Regulatory Definition of ''Discharge of Dredged Material'': Delay of Effective Date [FRL–6945–3] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

846. A letter from the Acting General Counsel, Office of New Markets Venture Capital, Small Business Administration, transmitting the Administration's final rule—New Markets Venture Capital Program—received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

847. A letter from the Chief, Regulations Branch, Custom Service, Department of the Treasury, transmitting the Department's final rule—Duty-Free Treatment For Certain Beverages Made With Caribbean Rum [T.D. 01–17] (RIN: 1515–AC78) received February 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

848. A letter from the Assistant Secretary for Import Administration and the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Department of Commerce, transmitting a report entitled, ''Subsidies Enforcement Annual Report To The Congress''; to the Committee on Ways and Means.

849. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Construction Management Contracts—received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

850. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Advance Payments From Construction Service Contracts (Revised)—received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

851. A letter from the Deputy Associate Administrator, Internal Revenue Service, transmitting the Service's final rule—Claim Revenue Under A Long-Term Contract—received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

852. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disclosure of Return Information to the Bureau of the Census [TD 8943] (RIN: 1545–AY51) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

853. A letter from the Acting Executive Director, Office of Compliance, transmitting the annual report on the use of the Office by covered employees for calendar year 2000; jointly to the Committees on House Administration and Education and the Workforce.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GANSKE (for himself, Mr. SHIMKUS, Mr. EVANS, Mr. LATHAM, Mr. WELLER, Mr. BLAGOJEVICH, Mr. LEACH, Mr. COSTELLO, Mr. PHELPS, Mr. RAMSTAD, Mr. UPTON, Ms. KAPTUR, Mr. LAHOOD, Mr. BOSWELL, Mr. MANZULLO, Mr. TERRY, Mr. ENGLISH, Mr. JOHNSON of Illinois, Mrs. THURMAN, Mr. RYUN of Kansas, Mr. BEREUTER, Mr. SOUDER, Mr. SIMPSON, Mr. GRAVES, Mr. OSBORNE, Mr. WHITFIELD, and Mrs. EMERSON):

H.R. 608. A bill to amend section 211 of the Clean Air Act to prohibit the use of MTBE, to provide flexibility within the oxygenate requirement of the Environmental Protection Agency's Reformulated Gasoline Program, to promote the use of renewable ethanol, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EVANS (for himself and Mr. BILIRAKIS):

H.R. 609. A bill to amend title 10, United States Code, to provide limited authority for concurrent receipt of military retired pay and veterans' disability compensation in the case of certain disabled military retirees who are over the age of 65; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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. RUSH (for himself, Mr. BLAGOJEVICH, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. EVANS, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. LIPINSKI, Ms. SCHAKOWSKY, and Mr. SHIMKUS):

H.R. 610. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit for a portion of the amount paid for natural gas; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. CASTLE, and Mr. GEORGE MILLER of California):

H.R. 611. A bill to amend part F of the title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself, Mr. GALLEGLY, and Mr. SHOWS):

H.R. 612. A bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas (for himself and Mr. CLEMENT):

H.R. 613. A bill to provide a grant to develop initiatives and disseminate information about character education, and a grant to research character education; to the Committee on Education and the Workforce.

By Mr. COBLE (for himself and Mr. BERMAN):

H.R. 614. A bill to make technical corrections in copyright law; to the Committee on the Judiciary.

By Mr. COBLE (for himself and Mr. BERMAN):

H.R. 615. A bill to make technical corrections in patent, copyright, and trademark laws; to the Committee on the Judiciary.

By Mr. HORN (for himself, Mr. BURTON of Indiana, Mr. BALLENGER, and Mr. MICA):

H.R. 616. A bill to establish an Office of Management in the Executive Office of the President, and to redesignate the Office of Management and Budget as the Office of the Federal Budget; to the Committee on Government Reform.

By Mr. ABERCROMBIE (for himself, Mrs. MINK of Hawaii, Mr. KILDEE, Mr. FALEOMAVAEGA, Mr. YOUNG of Alaska, Mr. HANSEN, and Mr. RAHALL):

H.R. 617. A bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 618. A bill to amend title 18, United States Code, to increase to 5 years the period during which former Members of Congress may not engage in certain lobbying activities; to the Committee on the Judiciary.

By Mr. BECERRA (for himself, Mr. MATSUI, Mr. WU, Ms. SCHAKOWSKY, Mr. FRANK, Mr. STARK, Ms. PELOSI, Mr. JACKSON of Illinois, Mr. UNDERWOOD, Mr. FILNER, Mr. LANTOS, Mr. GEORGE MILLER of California, Ms. LEE, Ms. ROYBAL-ALLARD, Mr. HORN, Mr. RODRIGUEZ, Mr. BACA, Mr. WAXMAN, Mr. GONZALEZ, Mr. REYES, Ms. ESHOO, Mr. NADLER, Mr. BLAGOJEVICH, Mr. FALEOMAVAEGA, Mr. ORTIZ, Mr. GUTIERREZ, Ms. WATERS, and Mr. HONDA):

H.R. 619. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself, Mr. FROST, Mr. OWENS, Ms. KAPTUR, Mr. KUCINICH, Ms. MCKINNEY, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, and Mr. UDALL of New Mexico):

H.R. 620. A bill to amend the Elementary and Secondary Education Act of 1965 to establish the model school dropout prevention grant program and the national school dropout prevention grant program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BERMAN (for himself, Mr. LEWIS of California, Mr. FARR of California, Mr. THOMAS, Mr. GEORGE MILLER of California, Mr. YOUNG of Florida, Ms. HARMAN, Mr. GILMAN, Mr. WAXMAN, Mr. STUMP, Mr. SHERMAN, Mr. PETRI, Mr. CONDIT, Mr. SENSENBRENNER, Ms. PELOSI, Mr. REGULA, Mr. STARK, Mrs. MINK of Hawaii, Mr. THOMPSON of California, and Mr. BACA):

H.R. 621. A bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the ''James C. Corman Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. DEMINT (for himself, Mr. OBERSTAR, Mr. BACHUS, Mr. KING, Ms. PRYCE of Ohio, Mr. ACKERMAN, Mr. ADERHOLT, Mr. AKIN, Mr. ANDREWS, Mr. ARMEY, Mr. BAIRD, Ms. BALDWIN, Mr. BARRETT, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BEREUTER, Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BLAGOJEVICH, Mr. BLUNT, Mr. BOEHLERT, Mr. BONIOR, Mrs. BONO, Mr. BOUCHER, Mr. BRADY of Texas, Ms. BROWN of Florida, Mr. BROWN of South Carolina, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CAMP, Mr. CANNON, Mr. CANTOR, Mr. CHABOT, Mr. CHAMBLISS, Mr. COOKSEY, Mr. COSTELLO, Mr. COX, Mr. COYNE, Mr. CRAMER, Mr. CRANE, Mrs. CUBIN, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. THOMAS M. DAVIS of Virginia, Mr. DELAHUNT, Mr. DELAY, Mr. DOOLITTLE, Mr. DOYLE, Mr. DUNCAN, Mr. EHLERS, Mrs. EMERSON, Mr. ENGLISH, Mr. EVANS, Mr. EVERETT, Mr. FLAKE, Mr. FLETCHER, Mr. FOLEY, Mr. FOSSELLA, Mr. FRANK, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GIBBONS, Mr. GILLMOR, Mr. GILMAN, Mr. GOODE, Mr. GORDON, Mr. GRAHAM, Ms. GRANGER, Mr. GREEN of Texas, Mr. GREENWOOD, Mr. GRUCCI, Mr. GUTKNECHT, Mr. HALL of Ohio, Mr. HANSEN, Ms. HART, Mr. HAYES, Mr. HAYWORTH, Mr. HOBSON, Mr. HOLDEN, Mr. HORN, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. INSLEE, Mr. ISAKSON, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KELLER, Mrs. KELLY, Mr. KERNS, Mr. KIND, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. KUCINICH, Mr. LAHOOD, Mr. LARSON of Connecticut, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LUCAS of Oklahoma, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTYRE, Mr. MCNULTY, Mr. MEEHAN, Mr. GARY MILLER of California, Mrs. MINK of Hawaii, Mr. MOORE, Mr. MORAN of Virginia, Mrs. MORELLA, Mrs. MYRICK, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. NEY, Mrs. NORTHUP, Mr. OSBORNE, Mr. OXLEY, Mr. PASCRELL, Mr. PAUL, Mr. PENCE, Mr. PICKERING, Mr. PITTS, Mr. PLATTS, Mr. PRICE of North Carolina, Mr. PUTNAM, Mr. REYNOLDS, Mr. RILEY, Ms. RIVERS, Mr. ROEMER, Mr. ROGERS of Michigan, Mrs. ROUKEMA, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SANDERS, Mr. SCHAFFER, Ms. SCHAKOWSKY, Mr. SCHROCK, Mr. SCOTT, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAYS, Mr. SHERWOOD, Mr. SHIMKUS, Mr. SIMMONS, Mr. SIMPSON, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUPAK, Mr. SWEENEY, Mr. TANCREDO, Mr. TAUZIN, Mr. TERRY, Mrs. THURMAN, Mr. TIAHRT, Mr. TIBERI, Mr. TOOMEY, Mr. UNDERWOOD, Mr. VITTER, Mr. WALDEN of Oregon, Mr. WALSH, Mr. WAXMAN, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. WOLF, Mr. BAKER, Mr. ALLEN, Mr. WAMP, Mr. LARSEN of Washington, Mr. ISTOOK, Mr. CRENSHAW, Ms. CAPITO, Mr. UDALL of Colorado, Mr. BACA, and Ms. WOOLSEY):

H.R. 622. A bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. OSE, and Mr. FATTAH):

H.R. 623. A bill to provide funds to assist homeless children and youth; to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. BARRETT, Mr. UPTON, Mr. BROWN of Ohio, Mr. EHRLICH, Mrs. THURMAN, Mr. WAXMAN, Mr. PALLONE, Mr. DEUTSCH, and Mr. WYNN):

H.R. 624. A bill to amend the Public Health Service Act to promote organ donation; to the Committee on Energy and Commerce.

By Mr. BLAGOJEVICH:

H.R. 625. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize grants to States for the construction, repair, renovation, and modernization of public school facilities, to amend the Internal Revenue Code of 1986 to expand the tax incentives for such undertakings, and for other purposes; to the Committee on Education and the Workforce, 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. BOEHNER (for himself and Mr. MCHUGH):

H.R. 626. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes; to the Committee on Agriculture.

By Mr. BOEHNER (for himself, Mr. COOKSEY, Mr. PENCE, Mr. JOHNSON of Illinois, Mr. OSBORNE, Mr. NETHERCUTT, Mr. FLETCHER, Mr. LAHOOD, and Mr. HAYES):

H.R. 627. A bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Rules, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWN of Florida:

H.R. 628. A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' KENNEDY Post Office''; to the Committee on Government Reform.

By Ms. BROWN of Florida:

H.R. 629. A bill to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office''; to the Committee on Government Reform.

By Mrs. CAPPS (for herself, Mr. FOLEY, Mr. GILCHREST, Mr. BROWN of Ohio, Mrs. MORELLA, and Ms. MCKINNEY):

H.R. 630. A bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; to the Committee on Education and the Workforce.

By Mr. COOKSEY (for himself, Mr. CRAMER, and Mr. WELDON of Florida):

H.R. 631. A bill to require the Secretary of the Treasury to mint coins in commemoration of Project Apollo; to the Committee on Financial Services.

By Mr. CUNNINGHAM (for himself, Mr. MCDERMOTT, Mr. BOEHLERT, Mr. BILIRAKIS, Mr. HILLIARD, Mr. ROGERS of Michigan, Mr. SCHAFFER, Mr. GILCHREST, Mr. MORAN of Virginia, Mr. FRANK, Mr. MCNULTY, Ms. LEE, Mr. CHAMBLISS, Mr. CAPUANO, Mr. MCINTYRE, Mr. SAXTON, Mr. PASTOR, Mrs. CHRISTENSEN, Mr. SESSIONS, Ms. BALDWIN, Mr. STENHOLM, Mr. BURTON of Indiana, Mr. KENNEDY of Rhode Island, Mr. WELDON of Pennsylvania, Mr. BONIOR, Mr. CUMMINGS, Mr. CRAMER, Mr. BRADY of Pennsylvania, Mr. PRICE of North Carolina, Mr. CONYERS, Mr. KING, Mr. ISSA, Mr. PICKERING, Mr. WEINER, Mr. GILMAN, Mr. WATTS of Oklahoma, Mr. DEAL of Georgia, Mr. HUNTER, Mr. SPENCE, Mr. MCKEON, Mr. WAMP, Mrs. WILSON, Mr. TOWNS, Ms. CARSON of Indiana, Mr. ISTOOK, Mr. RUSH, Mr. HORN, Mr. FRELINGHUYSEN, Mr. SKELTON, Mr. LEWIS of California, Mr. PASCRELL, Mr. HASTINGS of Florida, and Mr. ANDREWS):

H.R. 632. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself and Mr. LEACH):

H.R. 633. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Energy and Commerce.

By Mr. DEMINT (for himself, Ms. MCCARTHY of Missouri, Mr. ARMEY, Mr. SUNUNU, Mr. WELLER, Mr. STENHOLM, Mr. KOLBE, Mrs. JOHNSON of Connecticut, Mr. FOLEY, Mr. SAM JOHNSON of Texas, Mr. GREENWOOD, Mr. WALSH, Mr. BARTLETT of Maryland, Mr. CALVERT, Mr. CHAMBLISS, Mr. COOKSEY, Mr. GRAHAM, Mr. GREEN of Wisconsin, Mr. ISAKSON, Mr. ISSA, Mr. JONES of North Carolina, Mr. LARGENT, Mr. GARY MILLER of California, Mr. PITTS, Mr. ROGERS of Michigan, Mr. RYUN of Kansas, Mr. SCHAFFER, Mr. SESSIONS, Mr. SHADEGG, Mr. SIMPSON, Mr. SPENCE, Mr.

SWEENEY, Mr. TANCREDO, Mr. TERRY, Mr. WALDEN of Oregon, and Mr. WELDON of Pennsylvania):

H.R. 634. A bill to amend title XI of the Social Security Act to include additional information in Social Security account statements; to the Committee on Ways and Means.

By Mr. DOYLE (for himself and Mr. COYNE):

H.R. 635. A bill to establish the Steel Industry National Historic Park in the Commonwealth of Pennsylvania; to the Committee on Resources.

By Mr. ENGLISH (for himself and Mr. PAUL):

H.R. 636. A bill to amend the Internal Revenue Code of 1986 to permit private educational institutions to maintain qualified tuition programs which are comparable to qualified State tuition programs, and for other purposes; to the Committee on Ways and Means.

By Mr. FLAKE:

H.R. 637. A bill to amend the Elementary and Secondary Education Act of 1965 to eliminate the funding limitation applicable to grants for special alternative instructional programs under subpart 1 of part A of title VII of such Act; to the Committee on Education and the Workforce.

By Mr. FRANK (for himself, Mr. NADLER, Ms. BALDWIN, Mrs. LOWEY, and Mr. CROWLEY):

H.R. 638. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Government Reform, 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. FRELINGHUYSEN (for himself, Mrs. KELLY, Mr. PALLONE, Mrs. ROUKEMA, Mr. MENENDEZ, Mrs. MORELLA, Mr. SHAYS, Mr. GREEN of Texas, Mr. PASCRELL, Mr. FERGUSON, Mr. SAXTON, Mr. CROWLEY, Mr. MCGOVERN, Mr. LOBIONDO, Mr. BERMAN, Mr. SISISKY, Mr. WELLER, Mr. PETRI, Mr. FILNER, Mr. HINCHEY, Mr. SERRANO, Mr. SCHROCK, Mr. BOUCHER, Mr. KING, Mr. WELDON of Pennsylvania, Mr. GOODE, Mr. FRANK, Ms. RIVERS, Ms. MCKINNEY, Ms. ROYBAL-ALLARD, Mrs. MALONEY of New York, Mr. PAYNE, Ms. BALDWIN, Mr. BAIRD, Mr. GILMAN, Mr. SWEENEY, Mrs. MCCARTHY of New York, Mr. FOSSELLA, Mr. RUSH, Mrs. CHRISTENSEN, Mr. CAPUANO, Mrs. LOWEY, Mr. WEINER, and Mr. ABERCROMBIE):

H.R. 639. A bill to amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus; to the Committee on Veterans' Affairs.

By Mr. GALLEGLY (for himself and Mr. SHERMAN):

H.R. 640. A bill to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. GIBBONS (for himself, Ms. BERKLEY, Mr. BLUNT, Mr. CONYERS, Mr. LOBIONDO, Mr. BONIOR, Mr. WELLER, and Mr. RANGEL):

H.R. 641. A bill to protect amateur athletics and combat illegal sports gambling; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mr. CARDIN, Mrs. MORELLA, Mr. CUMMINGS, and Mr. WYNN):

H.R. 642. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 643. A bill to reauthorize the African Elephant Conservation Act; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 644. A bill to approve a governing international fishery agreement between the United States and the Government of the Republic of Estonia; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 645. A bill to reauthorize the Rhinoceros and Tiger Conservation Act of 1994; to the Committee on Resources.

By Mr. GILLMOR (for himself, Mr. DEAL of Georgia, Mr. EHRLICH, Mr. LARGENT, Mr. PICKERING, Mr. STEARNS, and Mrs. WILSON):

H.R. 646. A bill to establish the Commission to Study the Structure and Reauthorization of the Federal Communications Commission; to the Committee on Energy and Commerce.

By Mr. GOODE (for himself and Mr. PHELPS):

H.R. 647. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of a refund for use by the Secretary of Health and Human Services in providing catastrophic health coverage to individuals who do not otherwise have health coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAHAM (for himself, Mr. ANDREWS, and Mr. PAUL):

H.R. 648. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors and licensed embalmers from the minimum wage and overtime compensation requirements of that Act; to the Committee on Education and the Workforce.

By Mr. GRAHAM:

H.R. 649. A bill to direct the Secretary of the Army to lease land at the Richard B. Russell Dam and Lake project, South Carolina, to the South Carolina Department of Commerce, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GRAHAM (for himself, Mr. DEMINT, Mr. BURR of North Carolina, Mr. HILLEARY, Mr. SPENCE, Mr. FLETCHER, Mrs. EMERSON, Mr. FROST, Mr. GREEN of Texas, Mr. HASTINGS of Washington, and Mr. MCKEON):

H.R. 650. A bill to expand loan forgiveness for teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GRAVES:

H.R. 651. A bill to amend the Individuals with Disabilities Education Act to provide increased authority for school personnel to discipline children with disabilities who engage in certain dangerous behavior; to the Committee on Education and the Workforce.

By Mr. GREEN of Texas:

H.R. 652. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GREEN of Wisconsin:

H.R. 653. A bill to amend title 10, United States Code, to direct the Secretary of the Army to establish a combat artillery medal; to the Committee on Armed Services.

By Mr. GUTIERREZ (for himself, Mr. SERRANO, Mr. GONZALEZ, Mr. BERMAN, and Mr. WAXMAN):

H.R. 654. A bill to reduce fraud in connection with the provision of legal advice and other services to individuals applying for immigration benefits or otherwise involved in immigration proceedings by requiring paid immigration consultants to be licensed and otherwise provide services in a satisfactory manner; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 655. A bill to establish a commission to study the culture and glorification of violence in America; to the Committee on the Judiciary.

By Mr. HERGER (for himself, Mr. TANNER, Mr. MANZULLO, and Ms. VELÁZQUEZ):

H.R. 656. A bill to amend the Internal Revenue Code of 1986 to allow use of cash accounting method for certain small businesses; to the Committee on Ways and Means.

By Mr. HERGER (for himself and Mr. TANNER):

H.R. 657. A bill to amend the Internal Revenue Code of 1986 to expand the depreciation benefits available to small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mrs. THURMAN, Ms. DUNN, Mr. FOLEY, Mr. ENGLISH, and Mr. CAMP):

H.R. 658. A bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon (for herself and Mrs. JOHNSON of Connecticut):

H.R. 659. A bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2006; to the Committee on Education and the Workforce.

By Ms. HOOLEY of Oregon (for herself, Mr. DEFAZIO, Ms. RIVERS, Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mr. BONIOR, Mr. FILNER, Mr. INSLEE, Mrs. MALONEY of New York, Mr. BROWN of Ohio, Mr. MARKEY, Mr. LEWIS of Georgia, Mr. KILDEE, Mr. KLECZKA, Mr. CAPUANO, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. HINCHEY, Ms. MCKINNEY, Mr. MCDERMOTT, Ms. LEE, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mrs. THURMAN, Ms. ESHOO, Mr. SANDERS, Mr. EVANS, Mr. BALDACCI, Mr. KUCINICH, Mr. WEINER, Mr. MASCARA, Mr. LIPINSKI, and Mr. LANTOS):

H.R. 660. A bill to ensure that exports of Alaskan North Slope crude oil are prohibited; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. NEAL of Massachusetts, Mr. KLECZKA, Mr. COYNE, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. HERGER, Mr. ENGLISH, Mr. TANNER, Mr. SHAW, Mr. SAM JOHNSON of Texas, Mr. MCNULTY, Mr. LEWIS of Georgia, Mr. CARDIN,

Mr. WATKINS, Mr. FOLEY, Mr. RAMSTAD, Mr. WELLER, Mr. MATSUI, Mr. RANGEL, Mr. RYAN of Wisconsin, and Mr. BECERRA):

H.R. 661. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Ways and Means.

By Mr. HULSHOF (for himself and Mrs. THURMAN):

H.R. 662. A bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. RODRIGUEZ, Ms. GRANGER, Mr. ABERCROMBIE, Mr. GREENWOOD, Mr. BENTSEN, Mrs. KELLY, Mr. BONIOR, Mr. LEACH, Mrs. CHRISTENSEN, Mrs. MORELLA, Mr. CLYBURN, Mr. UPTON, Mr. CRAMER, Mr. GREEN of Texas, Mr. HILLIARD, Ms. KILPATRICK, Mrs. MALONEY of New York, Mrs. MINK of Hawaii, and Mr. TOWNS):

H.R. 663. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Energy and Commerce.

By Mr. JEFFERSON (for himself, Mr. ABERCROMBIE, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Mr. BALDACCI, Ms. BALDWIN, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. BECERRA, Mr. BENTSEN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BONIOR, Mrs. BONO, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. BURR of North Carolina, Mr. CANTOR, Mrs. CHRISTENSEN, Mr. COYNE, Mr. CRAMER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DOYLE, Mrs. EMERSON, Mr. ENGEL, Mr. FOLEY, Mr. FRANK, Mr. FROST, Mr. GEKAS, Mr. GILCHREST, Mr. GILLMOR, Mr. GONZALEZ, Ms. HART, Mr. HILLIARD, Mr. HOLDEN, Ms. HOOLEY of Oregon, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mr. KANJORSKI, Ms. KAPTUR, Mrs. KELLY, Mr. KIND, Mr. KING, Mr. KUCINICH, Mr. LAHOOD, Mr. LANTOS, Mr. LATOURETTE, Mr. LOBIONDO, Mrs. LOWEY, Mr. LUTHER, Mr. MALONEY of Connecticut, Mr. MASCARA, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MALONEY of New York, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. NEAL of Massachusetts, Mr. NEY, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PAUL, Mr. PAYNE, Mr. PETRI, Ms. PELOSI, Mr. POMEROY, Mr. PORTMAN, Mr. QUINN, Mr. REYES, Mrs. ROUKEMA, Mr. RUSH, Mr. SANDERS, Mr. SAWYER, Mr. SAXTON, Mr. SCHROCK, Mr. SIMMONS, Ms. SLAUGHTER, Mr. STARK, Mr. THUNE, Mrs. THURMAN, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. WALSH, Mr. WATKINS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WEXLER, Mr. WHITFIELD, Mr. WOLF, and Mr. WYNN):

H.R. 664. A bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200; to the Committee on Ways and Means.

By Mr. BONIOR (for himself, Mr. GEPHARDT, Mr. FROST, Mr. MENENDEZ, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. PASTOR, Ms. WATERS, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. SANDLIN, Mr. PHELPS, Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BARRETT, Mr. BECERRA, Ms. BERKLEY, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BORSKI, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. CARDIN, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. COSTELLO, Mr. COYNE, Mr. CROWLEY, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DELAHUNT, Mr. DICKS, Mr. DINGELL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FRANK, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HILLIARD, Mr. HINCHEY, Mr. HOEFFEL, Mr. HONDA, Mr. INSLEE, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KUCINICH, Mr. LAFALCE, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Ms. LEE, Mr. MALONEY of Connecticut, Mr. MARKEY, Mr. MASCARA, Mr. MATSUI, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MURTHA, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBEY, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RAHALL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Ms. SANCHEZ, Mr. SANDERS, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. STRICKLAND, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 665. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself and Mr. MATSUI):

H.R. 666. A bill to amend the Internal Revenue Code of 1986 to apply the look-thru rules for purposes of the foreign tax credit limitation to dividends from foreign corporations not controlled by a domestic corporation; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 667. A bill to authorize certain States to prohibit the importation of solid waste from other States, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KELLY (for herself, Mrs. TAUSCHER, Mr. FILNER, Mrs. JOHNSON of Connecticut, Mr. NEAL of Massachusetts, Mr. SWEENEY, Mrs. ROUKEMA, Mr. CAPUANO, Mr. LAHOOD, Mr. SMITH of New Jersey, Mr. GILMAN, Mr. WELLER, Mr. MCGOVERN, Mr. LARSEN of Washington, Mr. TIERNEY, and Mrs. THURMAN):

H.R. 668. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY of Rhode Island:

H.R. 669. A bill to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the ''Alphonse F. Auclair Post Office Building''; to the Committee on Government Reform.

By Mr. KENNEDY of Rhode Island:

H.R. 670. A bill to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the ''Bruce F. Cotta Post Office Building''; to the Committee on Government Reform.

By Mr. KENNEDY of Rhode Island:

H.R. 671. A bill to expand the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. KLECZKA (for himself and Mr. MCDERMOTT):

H.R. 672. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in the standard deduction; to the Committee on Ways and Means.

By Mr. KOLBE (for himself, Mr. KNOLLENBERG, Mr. LATOURETTE, and Mr. CAMP):

H.R. 673. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions to fight poverty; to the Committee on Ways and Means.

By Mr. LAFALCE (for himself, Mr. LEACH, Mr. FRANK, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. SANDERS, Mr. BENTSEN, Ms. HOOLEY of Oregon, Mr. SANDLIN, Mrs. JONES of Ohio, Mr. CAPUANO, Ms. PELOSI, Mr. HINCHEY, Ms. MCCARTHY of Missouri, Mr. HOLDEN, Ms. KAPTUR, Mr. FARR of California, Mr. MCGOVERN, Ms. ESHOO, and Ms. MCKINNEY):

H.R. 674. A bill to amend section 203 of the National Housing Act to provide for 1 percent downpayments for FHA mortgage loans for teachers and public safety officers to buy homes within the jurisdictions of their employing agencies; to the Committee on Financial Services.

By Mr. LANTOS (for himself, Mr. KENNEDY of Rhode Island, Mr. SMITH of New Jersey, Mr. KIRK, Mr. MCGOVERN, Mrs. LOWEY, Mr. CAPUANO, Mr. BERMAN, Mr. ACKERMAN, Mr. WEINER, Mr. FALEOMAVAEGA, Mr. CROWLEY, Ms. PELOSI, Mr. OBERSTAR, Mr. KUCINICH, Mr. MCDERMOTT, Mr. HALL of Ohio, Mr. KILDEE, Mr. HINCHEY, Ms. MCCOLLUM, Mr. LANGEVIN, Mr. HOEFFEL, Mr. FRANK, Mr. WU, Mr. BROWN of Ohio, Mr. MCNULTY, Mr. DELAHUNT, and Mr. HASTINGS of Florida):

H.R. 675. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on

International Relations, and in addition to the Committees on Financial Services, and 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. LATHAM (for himself, Mr. BACHUS, Mr. EHRLICH, Ms. GRANGER, Mr. PITTS, Mrs. EMERSON, Mr. RILEY, Mr. DUNCAN, Mr. SIMPSON, Ms. HART, Mr. WHITFIELD, Mr. CHAMBLISS, Mr. PAUL, Mr. SMITH of New Jersey, Mr. PASCRELL, Ms. ROS-LEHTINEN, Mrs. NORTHUP, Mr. BURTON of Indiana, Mr. HOSTETTLER, and Mr. RYUN of Kansas):

H.R. 676. A bill to amend the Internal Revenue Code of 1986 to increase the maximum amount allowable as an annual contribution to education individual retirement accounts from $500 to $2,000, phased in over 3 years; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. LAHOOD, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. JOHNSON of Illinois, and Mr. RAHALL):

H.R. 677. A bill to amend title 49, United States Code, relating to inspection of commercial motor vehicles entering the United States along the United States-Mexico border, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MCCARTHY of New York (for herself, Mr. DICKS, Mr. SERRANO, Mr. GEORGE MILLER of California, Mr. KILDEE, Ms. BROWN of Florida, Mr. BALDACCI, Mr. GILMAN, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mr. FROST, Mr. CAPUANO, Mrs. JONES of Ohio, Mr. PAUL, Mr. OWENS, Mr. ENGEL, Mr. EVANS, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 678. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the student loan interest deduction and to allow more taxpayers to claim that deduction; to the Committee on Ways and Means.

By Mr. MCKEON:

H.R. 679. A bill to prohibit mining on a certain tract of Federal land in Los Angeles County, California, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself, Mr. FROST, Mr. GREEN of Texas, Mr. HINCHEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. RUSH, Mr. WYNN, Mr. OLVER, and Mr. PETRI):

H.R. 680. A bill to provide funds for the planning of a special census of Americans residing abroad; to the Committee on Government Reform.

By Mrs. MALONEY of New York (for herself, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FROST, Ms. MCKINNEY, Mr. PASCRELL, Mr. PASTOR, and Mr. RANGEL):

H.R. 681. A bill to amend title 13, United States Code, to provide that the term of office of the Director of the Census shall be 5 years, to require that such Director report directly to the Secretary of Commerce, and for other purposes; to the Committee on Government Reform.

By Mrs. MALONEY of New York:

H.R. 682. A bill to amend the Hate Crime Statistics Act to require the Attorney General to acquire data about crimes that manifest evidence of prejudice based on gender; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. FROST, Mrs. MALONEY of New York, and Mr. HILLIARD):

H.R. 683. A bill to increase the authorization of appropriations for low-income energy assistance, weatherization, and State energy conservation grant programs, to expand the use of energy savings performance contracts, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD:

H.R. 684. A bill to authorize assistance for mother-to-child HIV/AIDS transmission prevention efforts; to the Committee on International Relations.

By Mr. GEORGE MILLER of California:

H.R. 685. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in California for the use or reuse of reclaimed water and for the design and construction of demonstration and permanent facilities for that purpose, and for other purposes; to the Committee on Resources.

By Mrs. MINK of Hawaii (for herself, Mr. PAUL, Mr. BLAGOJEVICH, Ms. PELOSI, Mr. UNDERWOOD, Ms. BROWN of Florida, Mr. HILLIARD, Mr. ETHERIDGE, Mr. COSTELLO, Mr. HINOJOSA, Mr. MENENDEZ, Ms. KILPATRICK, Ms. ROYBAL-ALLARD, Mr. KUCINICH, Ms. RIVERS, Mr. TRAFICANT, Ms. WOOLSEY, Mrs. KELLY, Mr. DAVIS of Illinois, Mr. ABERCROMBIE, and Mr. GREEN of Texas):

H.R. 686. A bill to amend the Internal Revenue Code of 1986 to repeal the 60-month limitation period on the allowance of a deduction of interest on loans for higher education expenses; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Ms. MCKINNEY, Mr. FROST, Ms. MCCARTHY of Missouri, Mr. BENTSEN, Ms. BERKLEY, and Mrs. JONES of Ohio):

H.R. 687. A bill to expand the teacher loan forgiveness programs under the Federal Family Education Loan and Federal Direct Loan programs; to the Committee on Education and the Workforce.

By Mr. MOORE (for himself, Ms. DELAURO, Mrs. MALONEY of New York, Mrs. THURMAN, Mr. BLAGOJEVICH, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLUMENAUER, Mr. LIPINSKI, Mr. SERRANO, and Ms. MCKINNEY):

H.R. 688. A bill to amend the Poison Prevention Packaging Act to authorize the Consumer Product Safety Commission to require child-proof caps for portable gasoline containers; to the Committee on Energy and Commerce.

By Mrs. MORELLA (for herself, Mr. BENTSEN, Ms. BERKLEY, Mr. BLUMENAUER, Mr. CAPUANO, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. DELAURO, Mr. FILNER, Mr. FORD, Mr. FROST, Mr. GOODE, Mr. GREEN of Texas, Mr. HINCHEY, Mrs. KELLY, Ms. KILPATRICK, Mrs. MALONEY of New York, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Mr. PASCRELL, Mr. PALLONE, Mr. SANDLIN, Mr. SHERMAN, Mrs. THURMAN, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 689. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. GUTIERREZ, Mr. HOLT, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MEEHAN, Ms. NORTON, Mr. OWENS, Ms. PELOSI, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SANDERS, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Mr. TOWNS, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. MCGOVERN, and Mr. STARK):

H.R. 690. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 691. A bill to extend the authorization of funding for child passenger protection education grants through fiscal year 2003; to the Committee on Transportation and Infrastructure.

By Mr. OSBORNE (for himself, Mr. NETHERCUTT, Mr. POMEROY, Mr. BALDACCI, Mr. PHELPS, Mr. PETRI, Mr. BOEHLERT, Mrs. EMERSON, and Mr. THUNE):

H.R. 692. A bill to amend subpart 2 of part J of title X of the Elementary and Secondary Education Act of 1965 to make improvements to the rural education achievement program; to the Committee on Education and the Workforce.

By Mr. PASCRELL (for himself, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. WEINER, Mr. DELAHUNT, Mr. CAPUANO, Mr. BRADY of Pennsylvania, and Mr. BARRETT):

H.R. 693. A bill to ban the manufacture of handguns that cannot be personalized, to provide for a report to the Congress on the commercial feasibility of personalizing firearms, and to provide for grants to improve firearm safety; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 694. A bill to amend the National Labor Relations Act to permit elections to decertify representation by a labor organization; to the Committee on Education and the Workforce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. MURTHA, Mr. SHERWOOD, Mr. BRADY of Pennsylvania, Mr. ENGLISH, Mr. DOYLE, Mr. GEKAS, Mr. HOLDEN, Mr. GREENWOOD, Mr. MASCARA, Ms. HART, Mr. WELDON of Pennsylvania, Mr. PLATTS, and Mr. KANJORSKI):

H.R. 695. A bill to establish the Oil Region National Heritage Area; to the Committee on Resources.

By Mr. RANGEL:

H.R. 696. A bill to permit expungement of records of certain nonviolent criminal offenses; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 697. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS (for himself, Mr. DEUTSCH, Mr. SHOWS, Mr. BROWN of Ohio, Mr. BONIOR, Ms. KAPTUR, Ms. DELAURO, Mr. CONYERS, Mr. NADLER, Mrs. MINK of Hawaii, Mr. OBERSTAR, Mr. CROWLEY, Mr. ABERCROMBIE, Mr. DEFAZIO, Mr. HILLIARD, Mr. FILNER, Mr. OLVER, Mr. LAFALCE, and Mr. HINCHEY):

H.R. 698. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of certain prescription drugs by pharmacists and wholesalers; to the Committee on Energy and Commerce.

By Mr. SAXTON:

H.R. 699. A bill to amend title 10, United States Code, to change the effective date for paid-up coverage under the military Survivor Benefit Plan from October 1, 2008, to October 1, 2002; to the Committee on Armed Services.

By Mr. SAXTON:

H.R. 700. A bill to reauthorize the Asian Elephant Conservation Act of 1997; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. DINGELL, Mr. TAUZIN, Mr. GEORGE MILLER of California, Mr. JOHN, Mr. HANSEN, Mr. RAHALL, Mr. KILDEE, Mr. COOKSEY, and Mr. SAXTON):

H.R. 701. A bill to use royalties from Outer Continental Shelf oil and gas production to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Resources.

By Mr. SAXTON (for himself and Mr. GILCHREST):

H.R. 702. A bill to encourage the safe and responsible use of personal watercraft, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT:

H.R. 703. A bill to amend the Internal Revenue Code of 1986 to provide incentives to public elementary and secondary school teachers by providing a tax credit for teaching expenses, professional development expenses, and student education loans; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself, Mr. DOOLITTLE, Mrs. CAPPS, Mr. GARY MILLER of California, Mr. FILNER, Mr. HUNTER, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Ms. BERKLEY, Mr. LANTOS, Mr. THOMPSON of California, Ms. LOFGREN, Mr. HONDA, and Mr. GEORGE MILLER of California):

H.R. 704. A bill to permit the States in the Pacific time zone to temporarily adjust the standard time in response to the energy crisis; to the Committee on Energy and Commerce.

By Mr. SIMPSON (for himself, Mr. GIBBONS, Mr. SCHAFFER, Mr. RADANOVICH, Mr. OTTER, Mr. CANNON, and Mr. WALDEN of Oregon):

H.R. 705. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on the Judiciary.

By Mr. SKEEN:

H.R. 706. A bill to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico; to the Committee on Resources.

By Mr. SMITH of New Jersey:

H.R. 707. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 708. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 709. A bill to provide that a grantee may not receive the full amount of a block grant under the Local Law Enforcement Block Grant program unless that grantee adopts a health standard establishing a legal presumption that heart, lung, and respiratory disease are occupational diseases for public safety officers; to the Committee on the Judiciary.

By Mr. SUNUNU (for himself, Mr. STUPAK, Mr. BASS, Mr. HUTCHINSON, Mr. SCHAFFER, Mr. NETHERCUTT, Mrs. THURMAN, Mr. ROGERS of Michigan, Mr. FROST, Mr. SMITH of New Jersey, Ms. NORTON, Ms. MCCARTHY of Missouri, Mr. HOLT, and Mr. FOSSELLA):

H.R. 710. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; to the Committee on Ways and Means.

By Mr. TANCREDO (for himself and Mr. SCHAFFER):

H.R. 711. A bill to amend title 49, United States Code, to clarify that State attorney generals may enforce State consumer protection laws with respect to air transportation and the advertisement and sale of air transportation services, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself, Mr. HONDA, Mr. MATSUI, Mr. BACA, Mr. CONDIT, Ms. WOOLSEY, Mr. FARR of California, Mr. FILNER, Mr. HUNTER, Mr. STARK, and Ms. SOLIS):

H.R. 712. A bill to provide for a study by the National Academy of Sciences to determine the causes of recent increases in the price of natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TIERNEY (for himself, Ms. LEE, Mr. CONYERS, Mr. DOYLE, Mr. BONIOR, Mr. NADLER, Mrs. MINK of Hawaii, Mr. OLVER, Mr. MARKEY, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. BLUMENAUER, Mr. UDALL of Colorado, Mrs. MALONEY of New York, Mr. SERRANO, and Mr. HINCHEY):

H.R. 713. A bill to require the Secretary of Agriculture to complete a report regarding the safety and monitoring of genetically engineered foods, and for other purposes; to the Committee on Agriculture.

By Mr. TIERNEY (for himself, Mr. BAIRD, Mr. CAPUANO, Ms. CARSON of Indiana, Ms. ESHOO, Mr. FARR of California, Mr. FRANK, Mr. KILDEE, Mr. KUCINICH, Mr. LANTOS, Mr. LATOURETTE, Mrs. MCCARTHY of New York, Mr. MARKEY, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. PAYNE, Mr. SANDLIN, Mr. SCOTT, Mr. TRAFICANT, and Mr. MCGOVERN):

H.R. 714. A bill to amend the Individuals with Disabilities Education Act to provide that certain funds treated as local funds under that Act shall be used to provide additional funding for programs under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. TIERNEY (for himself, Mr. MOAKLEY, Mr. MARKEY, Mr. PALLONE, Mr. STARK, Mr. MCGOVERN, Mr. FRANK, Mr. CAPUANO, Mr. ANDREWS, Mr. DELAHUNT, Mr. MEEHAN, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OLVER, Ms. PELOSI, Ms. WOOLSEY, and Mr. WEINER):

H.R. 715. A bill to require a study by the Bureau of Labor Statistics to develop a methodology for measuring the cost of living in each State, and to require a study by the General Accounting Office to determine how Federal benefits would be increased in each State if the determination of such benefits were based on such methodology; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself, Mr. GREEN of Texas, Mr. SHAW, Mr. STARK, and Mr. SESSIONS):

H.R. 716. A bill to provide for a study of anesthesia services furnished under the Medicare Program, and to expand arrangements under which certified registered nurse anesthetists may furnish such services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WICKER (for himself, Mr. PETERSON of Minnesota, Mr. GREENWOOD, Mr. TANNER, Mr. EHRLICH, Mr. CRAMER, Mr. GORDON, Mrs. EMERSON, Mr. RILEY, Mr. BRYANT, Mr. FORD, Mr. FOLEY, Ms. HOOLEY of Oregon, Mr. KING, Mr. HOBSON, Mr. PICKERING, Mr. CHAMBLISS, Mr. EHLERS, Mr. TOWNS, Mr. MCGOVERN, Mr. LATOURETTE, Mr. DOOLITTLE, Mr. WATTS of Oklahoma, Ms. GRANGER, Mr. BLUMENAUER, Mr. MURTHA, Mr. OLVER, Mr. BOEHLERT, Mr. GOODLATTE, Mr. HOLDEN, Mr. WATKINS, Mr. COBLE, Mr. ISAKSON, Mr. LOBIONDO, Mr. MCCRERY, Mr. KERNS, Mr. GILMAN, Mr. ROHRABACHER, Mr. ISSA, Mr. CALVERT, Mr. LANGEVIN, Mrs. MEEK of Florida, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. MILLER of Florida, Mr. OTTER, Mr. WALDEN of Oregon, Mrs. MYRICK, Mr. LAHOOD,

Mr. LIPINSKI, Mr. LEWIS of Kentucky, Mr. WOLF, Mr. HOSTETTLER, Mr. KINGSTON, Mr. SCARBOROUGH, Mr. UPTON, Mr. LEACH, Mr. GILLMOR, Mr. WALSH, Mr. QUINN, Mr. GANSKE, Mr. JONES of North Carolina, Mr. BACHUS, Mr. OXLEY, Mr. TIAHRT, Mr. WELLER, Mr. MATSUI, Mr. WELDON of Florida, Mr. REYNOLDS, Mr. GUTKNECHT, Mr. CHABOT, Mr. HUNTER, Mr. GOODE, Mr. FLETCHER, Mr. SKELTON, Mr. MORAN of Virginia, Mr. RODRIGUEZ, Mr. TURNER, Mr. BENTSEN, Mr. ABERCROMBIE, Mr. GONZALEZ, Mr. BILIRAKIS, Mr. ARMEY, Mr. MCHUGH, Mr. JENKINS, Mr. BOYD, Mr. PUTNAM, Mr. ROGERS of Michigan, Mr. KELLER, Mrs. KELLY, and Mr. MANZULLO):

H.R. 717. A bill to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy; to the Committee on Energy and Commerce.

By Mrs. WILSON (for herself, Mr. GREEN of Texas, Mr. GARY MILLER of California, Mr. GOODLATTE, Mr. PICKERING, Mr. DEAL of Georgia, Mr. LARGENT, Mr. FOSSELLA, Mr. WALDEN of Oregon, Mr. BRYANT, Mr. TAUZIN, Mr. GILLMOR, Mr. FRELINGHUYSEN, Ms. CARSON of Indiana, Mr. KILDEE, Mr. ENGLISH, Mr. LEVIN, Mr. SIMMONS, Ms. ESHOO, Mr. HINCHEY, Mr. TERRY, Mr. RUSH, Mr. BONIOR, Mr. HORN, Mrs. EMERSON, Mr. ENGEL, Mrs. JO ANN DAVIS of Virginia, Ms. DEGETTE, Ms. HARMAN, Mr. MOORE, Mr. SHIMKUS, Mr. BARRETT, Mr. BOUCHER, Mr. GREENWOOD, Ms. MCCARTHY of Missouri, Mr. CRAMER, Mr. SESSIONS, Mr. GORDON, Mr. SHOWS, Mr. FRANK, Ms. MCKINNEY, Mr. HOLT, Mr. SANDLIN, Mr. SAWYER, Mr. STRICKLAND, Mr. WELLER, Mr. KING, Mr. BAKER, Ms. HART, Mr. PITTS, Mr. UDALL of New Mexico, Mr. LUTHER, Mr. REYES, Ms. PELOSI, Mr. FROST, Mr. EHRLICH, Mr. BURR of North Carolina, Mr. ADERHOLT, Mr. WOLF, Mr. ISAKSON, Mrs. CUBIN, Mr. BARTON of Texas, Mr. STEARNS, Mr. OXLEY, Ms. DUNN, Mr. HASTINGS of Washington, Mr. STUPAK, and Mr. BLUNT):

H.R. 718. A bill to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself and Mr. FLETCHER):

H.R. 719. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that senior citizens are given an opportunity to serve as mentors, tutors, and volunteers for certain programs; to the Committee on Education and the Workforce.

By Mr. WU (for himself, Mrs. MEEK of Florida, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, and Ms. ROS-LEHTINEN):

H.R. 720. A bill to amend the Immigration and Nationality Act to provide temporary protected status to certain unaccompanied alien children, to provide for the adjustment of status of aliens unlawfully present in the United States who are under 18 years of age, and for other purposes; to the Committee on the Judiciary.

By Mr. WYNN (for himself, Mr. BROWN of Ohio, Mr. LANGEVIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEFAZIO, Mr. MEEKS of New York, Mr. DELAHUNT, Mr. BALDACCI, Mr. FROST, Mr. WEXLER, Mr. GEORGE MILLER of California, Mr. BLAGOJEVICH, Mr. WATT of North Carolina, Mr. HOLDEN, Mr. BONIOR, Mr. GUTIERREZ, Ms. MCCARTHY of Missouri, Mr. SISISKY, Mr. SANDERS, Mr. ENGEL, Mr. MCNULTY, Mr. PAYNE, Mr. KILDEE, Mr. FILNER, Mr. CUMMINGS, Ms. WOOLSEY, Mr. SAWYER, Mr. STUPAK, Mr. KANJORSKI, Mr. MURTHA, Mr. HILLIARD, Mr. DICKS, Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Mr. DINGELL, Mr. SPRATT, Mr. KLECZKA, Mrs. MORELLA, Mr. HINCHEY, Mr. SERRANO, Mr. ABERCROMBIE, Mr. FRANK, Mr. MOORE, Mr. WAXMAN, Ms. KILPATRICK, Mrs. MALONEY of New York, Mrs. MINK of Hawaii, Mr. HOYER, Mr. ALLEN, Mrs. THURMAN, Ms. MCKINNEY, Mr. PRICE of North Carolina, Mr. FORD, Mr. STARK, Mr. PALLONE, Mr. KUCINICH, Mr. STRICKLAND, Ms. PELOSI, Mr. CONYERS, Mr. THOMPSON of Mississippi, Ms. BROWN of Florida, Ms. HOOLEY of Oregon, Mr. BACA, Mr. HALL of Ohio, Mrs. MCCARTHY of New York, Ms. BALDWIN, Mr. GREEN of Texas, and Mr. RAHALL):

H.R. 721. A bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes; to the Committee on Government Reform.

By Mr. OBERSTAR (for himself, Mr. AKIN, Mr. ARMEY, Mr. BAKER, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. DEMINT, Mr. GREEN of Wisconsin, Ms. HART, Mr. HAYES, Mr. HULSHOF, Mr. LIPINSKI, Mr. LUCAS of Kentucky, Mr. PICKERING, Mr. SHIMKUS, Mr. SHOWS, Mr. TANCREDO, and Mr. TERRY):

H.J. Res. 20. A joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. RANGEL:

H.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to a home; to the Committee on the Judiciary.

By Mr. SAXTON:

H. Con. Res. 32. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. BUYER (for himself and Mr. HAYES):

H. Con. Res. 33. Concurrent resolution recognizing the Boy Scouts of America for the public service it performs through its contributions to the lives of the Nation's boys and young men; to the Committee on the Judiciary.

By Mr. ETHERIDGE:

H. Con. Res. 34. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Ava Gardner; to the Committee on Government Reform.

By Mr. GOSS:

H. Con. Res. 35. Concurrent resolution expressing the sense of Congress with respect to the upcoming trip of President George W. Bush to Mexico to meet with newly elected President Vicente Fox, and with respect to future cooperative efforts between the United States and Mexico; to the Committee on International Relations.

By Mr. GREEN of Texas (for himself, Mr. JEFFERSON, Mr. MURTHA, Mr. HINCHEY, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. BENTSEN, Mr. THORNBERRY, Mr. COSTELLO, Mr. PAYNE, Mr. GONZALEZ, Mr. GALLEGLY, Mr. GOODE, Mr. SMITH of Texas, Ms. MCCARTHY of Missouri, Mr. DEMINT, Mr. REYES, Mr. TOWNS, Mr. SESSIONS, Mr. CRAMER, Mr. GOODLATTE, Mr. RODRIGUEZ, Mr. HINOJOSA, Mrs. EMERSON, Mr. QUINN, Ms. BERKLEY, Mr. GANSKE, Mrs. MINK of Hawaii, Mr. RUSH, Mr. FATTAH, Mr. WALSH, Mr. MORAN of Virginia, Mr. HILLIARD, Mr. MASCARA, Mr. MCNULTY, Mrs. KELLY, Mr. TANCREDO, Mr. FOSSELLA, Mr. BACA, Mr. BALDACCI, Mrs. MORELLA, and Mr. LAFALCE):

H. Con. Res. 36. Concurrent resolution urging increased Federal funding for juvenile (Type 1) diabetes research; to the Committee on Energy and Commerce.

By Mr. SHAYS (for himself, Mr. GREENWOOD, Mr. BILIRAKIS, Mr. RAMSTAD, Mr. NORWOOD, Mr. WHITFIELD, Mr. HOBSON, Mrs. MALONEY of New York, Mr. DAVIS of Florida, Mr. NADLER, Mr. GOODE, Mr. BALDACCI, Mr. ENGLISH, Mr. LAFALCE, Ms. KAPTUR, Mr. LARSON of Connecticut, Mrs. KELLY, Mr. SHIMKUS, Mr. FARR of California, Mr. FROST, Mr. DOYLE, Ms. SLAUGHTER, Mr. MORAN of Virginia, Mr. BARCIA, Mr. TANNER, Mr. DEUTSCH, Mr. WATKINS, Mr. MCNULTY, Ms. DELAURO, Mr. MCGOVERN, Mrs. CAPPS, Mr. PHELPS, Mrs. MORELLA, Mr. COSTELLO, Mr. SUNUNU, Mr. GANSKE, Ms. HART, Ms. BERKLEY, Mr. BASS, Mr. FOLEY, Mrs. NORTHUP, Mrs. LOWEY, and Mr. SIMMONS):

H. Con. Res. 37. Concurrent resolution expressing the sense of Congress with respect to promoting coverage of individuals under long-term care insurance; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and 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 Ms. SLAUGHTER (for herself, Ms. NORTON, Mr. HILLIARD, Mrs. MALONEY of New York, Ms. MCCARTHY of Missouri, Mrs. MEEK of Florida, Ms. BALDWIN, Mr. MCNULTY, Mr. BERMAN, Mr. MCGOVERN, Mrs. CLAYTON, Mrs. MORELLA, Mrs. MCCARTHY of New York, Mr. KUCINICH, Mrs. MINK of Hawaii, Mr. FROST, Mrs. JOHNSON of Connecticut, Mrs. BIGGERT, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. UDALL of Colorado, Ms. KILPATRICK, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mrs. THURMAN, Ms. DELAURO, and Mrs. LOWEY):

H. Con. Res. 38. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Martha Matilda Harper, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. DREIER (for himself and Mr. MOAKLEY):

H. Res. 40. A resolution providing amounts for the expenses of the Committee on Rules

in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. YOUNG of Alaska:

H. Res. 41. A resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. OXLEY:

H. Res. 42. A resolution providing amounts for the expenses of the Committee on Financial Services in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. TAUZIN:

H. Res. 43. A resolution providing amounts for the expenses of the Committee on Energy and Commerce in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. HANSEN (for himself and Mr. RAHALL):

H. Res. 44. A resolution providing amounts for the expenses of the Committee on Resources in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H. Res. 45. A resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. COMBEST:

H. Res. 46. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. GREEN of Wisconsin (for himself, Ms. HOOLEY of Oregon, Mr. BUYER, Mr. BARRETT, Ms. DELAURO, Mr. KLECZKA, Mr. NETHERCUTT, Mr. PETRI, and Mr. RANGEL):

H. Res. 47. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued honorng American farm women; to the Committee on Government Reform.

By Mr. GREEN of Wisconsin (for himself, Mr. CAPUANO, Mr. SHAYS, Mr. MEEHAN, Mr. PETRI, Ms. SCHAKOWSKY, and Mr. FRANK):

H. Res. 48. A resolution directing the Clerk of the House of Representatives to post on the official public Internet site of the House of Representatives all lobbying registrations and reports filed with the Clerk under the Lobbying Disclosure Act of 1995; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. BISHOP, Mr. ISAKSON, and Ms. MCKINNEY):

H. Res. 49. A resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 50. A resolution expressing the sense of Congress with respect to Marcus Garvey; to the Committee on the Judiciary.

By Mr. TOWNS:

H. Res. 51. A resolution expressing the sense of the House of Representatives that the Government of Argentina should provide an immediate and final resolution to the Buenos Aires Yoga School case; to the Committee on International Relations.

By Mr. WATTS of Oklahoma (for himself, Mr. ENGEL, Mr. ROHRABACHER, Mr. CALVERT, Mr. FOLEY, Mr. GEKAS, Mr. RILEY, Ms. GRANGER, Mr. FRELINGHUYSEN, Mr. GREENWOOD, Mrs. BONO, Mr. BEREUTER, Ms. JACKSON-LEE of Texas, Mr. WEINER, and Mr. DAVIS of Illinois):

H. Res. 52. A resolution expressing the sense of the House of Representatives regarding the grave danger of domestic terrorism and the need for improved organization in the executive branch and Congress to deter, prevent, prepare for, and respond to the impending threat of domestic terrorism; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H. Res. 53. A resolution to express the sense of the House of Representatives that the maximum Pell Grant should be increased to $4,350; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TOWNS introduced a bill (H.R. 722) for the relief of Desmond J. Burke; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 12: Mr. REYES, Mr. SESSIONS, Mr. SOUDER, Mr. ISSA, Mrs. MYRICK, Mr. FLETCHER, Mr. SIMPSON, Mr. PAYNE, Mr. SHIMKUS, Mr. TOOMEY, Mr. EHRLICH, Mr. MORAN of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. GRAHAM, Mr. BRADY of Texas, Mr. WATTS of Oklahoma, and Mr. SKEEN.

H.R. 36: Mrs. MORELLA, Mr. PHELPS, Mr. FATTAH, Mr. MCINNIS, Ms. NORTON, Ms. PELOSI, Ms. MCCARTHY of Missouri, Mr. LEACH, Mr. GILCHREST, Mr. HILL, and Mr. MORAN of Virginia.

H.R. 50: Mr. EVANS, Mr. STEARNS, and Mr. MCINTYRE.

H.R. 65: Mr. TAYLOR of Mississippi.

H.R. 122: Mrs. BIGGERT, Mr. COBLE, Mr. SCHROCK, Mr. HUNTER, Mr. RILEY, Mr. GILCHREST, Mr. OTTER, Mr. GREENWOOD, Mr. LARGENT, Mr. HEFLEY, Mr. CRAMER, Mr. ARMEY, Mr. BONILLA, Mr. THORNBERRY, Mr. WELDON of Florida, Mr. WATTS of Oklahoma, Mr. BARTLETT of Maryland, Ms. BERKLEY, Mr. KING, Mrs. JOHNSON of Connecticut, Mr. WALSH, and Mr. TIAHRT.

H.R. 123: Mr. TAYLOR of Mississippi, Mr. HALL of Texas, Mr. YOUNG of Alaska, Mr. GOODE, and Mr. BOUCHER.

H.R. 131: Mr. BACA.

H.R. 138: Mr. LANGEVIN and Mr. GUTIERREZ.

H.R. 139: Mr. LANGEVIN and Mr. GUTIERREZ.

H.R. 145: Mr. PAYNE.

H.R. 148: Mr. WEINER.

H.R. 154: Mr. ISSA, Mr. LANGEVIN, Mr. DEFAZIO, Mr. GRAHAM, and Mr. PETERSON of Pennsylvania.

H.R. 159: Mr. GUTKNECHT, Mr. DOOLITTLE, Mr. OTTER, Mr. BARTON of Texas, Mr. LUCAS of Oklahoma, and Mr. PLATTS.

H.R. 162: Mr. BENTSEN.

H.R. 179: Mr. BROWN of Ohio, Mr. FLAKE, Mr. RODRIGUEZ, Mr. THOMPSON of California, and Mr. WATT of North Carolina.

H.R. 183: Ms. NORTON, Mr. HINCHEY, Mr. KILDEE, Mr. DOYLE, Mrs. THURMAN, Mr. MCNULTY, Mr. LANTOS, Mrs. MINK of Hawaii, Ms. HOOLEY of Oregon, Mr. GEORGE MILLER of California, Mr. BONIOR, Ms. MCCARTHY of Missouri, Mr. ACKERMAN, Mrs. CHRISTENSEN, Ms. WOOLSEY, Mr. EVANS, Mr. DAVIS of Illinois, Mr. PAYNE, Ms. MCCOLLUM and Mr. RUSH.

H.R. 187: Mr. SKELTON.

H.R. 218: Mr. SHIMKUS and Mr. GILMAN.

H.R. 220: Mr. NETHERCUTT.

H.R. 221: Mr. UDALL of New Mexico, Ms. KILPATRICK, Mr. FROST, Mr. BLAGOJEVICH, Ms. RIVERS, Mrs. CLAYTON, Mr. LANTOS, Ms. VELÁZQUEZ, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Ms. MCCARTHY of Missouri, Mr. RUSH, Mr. PAYNE, Mr. BONIOR, Mr. FATTAH, and Mr. FORD.

H.R. 236: Mr. OTTER, Mr. PAUL, Mr. HILLEARY, Mr. CANTOR, Ms. CAPITO, Mr. PLATTS, Mr. WHITFIELD, Mr. GOODLATTE, Mr. EVANS, Mr. SIMPSON, and Mr. SKEEN.

H.R. 238: Mr. SHERMAN, Ms. PELOSI, and Mr. CONDIT.

H.R. 241: Ms. RIVERS and Mr. VITTER.

H.R. 245: Ms. DELAURO and Ms. MCKINNEY.

H.R. 259: Mr. CRAMER.

H.R. 265: Mr. TOWNS, Mr. FROST, Mr. ABERCROMBIE, Mr. LANTOS, Mr. SANDLIN, Mr. SANDERS, Mr. BLAGOJEVICH, Mr. OWENS, Mr. KILDEE, Mr. STARK, and Mr. ENGEL.

H.R. 267: Mr. TERRY, Mr. MCHUGH, Mr. MORAN of Kansas, Mr. BACA, Mr. LEWIS of Georgia, Mr. BARTLETT of Maryland, and Mr. HONDA.

H.R. 275: Mr. REYNOLDS, Mr. HEFLEY, and Mr. DUNCAN.

H.R. 286: Mr. OWENS.

H.R. 287: Mr. WEINER.

H.R. 303: Mr. SCHROCK, Mr. WALDEN of Oregon, Mr. CAMP, Mr. MASCARA, Mr. JOHNSON of Illinois, Mr. DOOLITTLE, Mr. GREEN of Wisconsin, Ms. BALDWIN, Mr. GILLMOR, Mr. VITTER, Ms. KAPTUR, and Mr. TAYLOR of Mississippi.

H.R. 310: Mr. DINGELL, Mr. SCHAFFER, and Mr. EVANS.

H.R. 311: Mr. JOHNSON of Illinois and Mr. UDALL of Colorado.

H.R. 325: Mr. DEAL of Georgia.

H.R. 336: Ms. DEGETTE, Mr. FILNER, Mrs. CHRISTENSEN, Mr. PETERSON of Minnesota, Mr. BOUCHER, and Mr. SANDERS.

H.R. 345: Mr. FORD.

H.R. 367: Mr. ACKERMAN, Mr. BLAGOJEVICH, Ms. MCKINNEY, Mr. LANTOS, Mr. SANDERS, Mr. BONIOR, Mr. KUCINICH, and Mr. EVANS.

H.R. 368: Mr. GRAHAM and Mr. DUNCAN.

H.R. 369: Mr. FLETCHER, Mr. HOSTETTLER and Mr. DUNCAN.

H.R. 370: Mr. DUNCAN.

H.R. 373: Mrs. KELLY, Mr. JOHNSON of Illinois, and Mr. PASCRELL.

H.R. 397: Mr. CAPUANO, Mrs. NORTHUP, Mrs. KELLY, Mrs. TAUSCHER, Ms. SLAUGHTER, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mrs. MEEK of Florida, Mrs. LOWEY, Mr. GONZALEZ, Mr. BARTLETT of Maryland, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. DEFAZIO, and Mr. ISAKSON.

H.R. 419: Mr. KUCINICH.

H.R. 429: Mr. INSLEE.

H.R. 456: Mr. DOOLITTLE, Mr. TANCREDO, Mr. HUNTER, Mr. PAUL, Mr. BURTON of Indiana, Mr. BONILLA, Mr. GILCHREST, and Mr. BROWN of South Carolina.

H.R. 475: Mr. CHAMBLISS, Mr. CUNNINGHAM, Mr. ARMEY, Mr. EHLERS, Mr. OWENS, Mr. PAUL and Mr. DUNCAN.

H.R. 478: Mr. HILLIARD.

H.R. 482: Mr. LUCAS of Kentucky and Mr. BARTLETT of Maryland.

H.R. 489: Mr. FLETCHER and Mr. FROST.

H.R. 490: Ms. LOFGREN, Mr. BLAGOJEVICH, Mr. GILLMOR, Mr. KUCINICH, and Mr. CAMP.

H.R. 491: Mr. FILNER.

H.R. 493: Mr. HILLIARD.

H.R. 494: Mr. HEFLEY.

H.R. 498: Mrs. EMERSON, Mr. SUNUNU, Mr. BACA, Mr. HALL of Ohio, Mr. BACHUS, Mr. PASTOR, Mr. GUTKNECHT, Mr. MOORE, Mr. WYNN, Ms. ROS-LEHTINEN, Mr. WOLF, Mr. SCHROCK, Mr. SIMPSON, Mr. RAHALL, Mr. BLUNT, Mrs. MALONEY of New York, Mr. GREENWOOD, Mr. RANGEL, Mr. SABO, Mr. LANGEVIN, Mr. CLAY, Mr. BERRY, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. DAVIS of Illinois, Ms. HOOLEY of Oregon, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LUCAS of Oklahoma, Mr. MALONEY of Connecticut, Mr. PASCRELL, Mr. RANDANOVICH, Mr. SANDERS, Mr. PRICE of North Carolina, Mr. MENENDEZ, Mr. UPTON, Mr. RODRIQUEZ, Mr. LARGENT, Mr. CANNON, Mr. BISHOP, Mr. CARDIN, Mr. BORSKI, Mr. SESSIONS, Mrs. MINK of Hawaii, Mr. BOYD, Mr. INSLEE, Mr. KENNEDY of Rhode Island, Mr. BONIOR, Mr. SCOTT, Mr. HILLIARD, Mr. SHAYS, Mr. NEAL of Massachusetts, Mr. CUMMINGS, Mr. BROWN of South Carolina, Mr. OWENS, Mr. MORAN of Virginia, Mr. RAMSTAD, Mr. HOYER, Mr. CUNNINGHAM, Mr. QUINN, Mr. SPRATT, Mr. THOMPSON of Mississippi, Mr. WEXLER, Mr. STRICKLAND, Mr. ISTOOK, Mr. WATTS of Oklahoma, Mr. DOOLITTLE, Mr. GREEN of Wisconsin, Ms. DELAURO, Mr. BEREUTER, Mr. NADLER, Mr. COSTELLO, Mr. COOKSEY, Mr. HOLDEN, Mr. WALDEN of Oregon, Mr. WAXMAN, Mr. ENGEL, Mr. THOMAS M. DAVIS of Virginia, Mr. WEINER, Mr. WATKINS, Mrs. ROUKEMA, Mr. KUCINICH, Mr. CLYBURN, Mr. DELAHUNT, Ms. RIVERS, Mr. OSBORNE, Mr. TIERNEY, MR. SAWYER, Mr. BALLENGER, Mr. LATOURETTE, Mr. BLUMENAUER, Mr. EVANS, Ms. MCCOLLUM, Mr. HASTINGS of Washington, Mr. GILLMOR, Mr. GRAHAM, and Ms. MCKINNEY.

H.R. 499: Mrs. MCCARTHY of New York.

H.R. 505: Mr. OWENS.

H.R. 510: Mrs. JONES of Ohio, Mr. GILMAN, Mr. SCHROCK, Mr. FRELINGHUYSEN, Mr. MCHUGH, Mr. KENNEDY of Rhode Island, Mr. TURNER, Ms. WATERS, Mr. HOYER, and Mr. KILDEE.

H.R. 511: Mr. ENGLISH, Mr. BERMAN, Ms. JACKSON-LEE of Texas, Mr. MCINTYRE, Mr. PAUL, Mrs. JONES of Ohio, Mr. BOUCHER, Mr. SANDERS, and Mr. GANSKE.

H.R. 518: Mr. ENGLISH and Mr. QUINN.

H.R. 525: Mr. EHLERS, Mr. SISISKY, Mr. TERRY, Mr. PAUL, and Mr. GREEN of Wisconsin.

H.R. 526: Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Mr. KANJORSKI, Mr. CAPUANO, Ms. KAPTUR, Mr. NADLER, Mrs. MINK of Hawaii, Mr. UDALL of New Mexico, Mr. HALL of Ohio, Mr. WEINER, Mr. EVANS, Mr. THOMPSON of California, Mr. PRICE of North Carolina, and Mr. BALDACCI.

H.R. 527: Mr. MCCRERY, Mr. GARY MILLER of California, and Mr. SHIMKUS.

H.R. 533: Mr. BALDACCI.

H.R. 536: Mr. ENGEL, Mr. PAYNE, Mr. BERMAN, Mr. CROWLEY, Mr. FATTAH, Mr. DEUTSCH, Mrs. CHRISTENSEN, Mr. ROEMER, Mr. LANGEVIN, Ms. LOFGREN, Mr. EVANS, Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mr. DICKS, Mr. DOOLEY of California, Mr. EDWARDS, Mr. CONYERS, and Mr. WATT of North Carolina.

H.R. 557: Mr. JONES of North Carolina.

H.R. 559: Mr. MARKEY, Mr. FRANK, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MEEHAN, Mr. DELAHUNT, Mr. TIERNEY, Mr. CAPUANO, Mr. HASTERT, and Mr. GEPHARDT.

H.R. 560: Mr. HONDA, Mrs. CAPPS, and Mr. GONZALEZ.

H.R. 579: Mrs. JO ANN DAVIS of Virginia and Mr. FATTAH.

H. Con. Res. 25: Mr. PASCRELL, Mr. WALSH, Ms. RIVERS, and Mr. HILLIARD.

H. Res. 13: Mr. KUCINICH, Mr. FERGUSON, Ms. RIVERS, and Mr. HOEFFEL.

H. Res. 14: Ms. KAPTUR.

H. Res. 17: Mr. OLVER, Mr. RUSH, Mr. MARKEY, Mr. SANDERS, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, and Mr. NADLER.

H. Res. 26: Mr. MCNULTY.

EXTENSIONS OF REMARKS

HONORING TERRI THOMSON

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. CROWLEY. Mr. Speaker, I rise to recognize Terri Thomson of Queens, New York, for her lifetime of community service. Thomson will be honored again next week by the Powhatan and Pocahontas Regular Democratic Club for her work to improve our education and quality of life in Queens.

Thomson currently serves New York City school children, parents and faculty as the Queens Representative to the City Board of Education. Thomson is one of seven Board members responsible for setting policy for an $11 billion budget, more than one million school children, 1100 school buildings, and more than 100,000 education professionals.

Thomson was appointed by Queens Borough President Claire Shulman to the New York City Board of Education in July 1998. She is Chair of both the Parent Outreach and Involvement and the Finance and Capital Budget Committees. She chaired a task force that has recommended all newly constructed high schools be offered as schools of choice on a year-round calendar as a strategy to alleviate overcrowding, particularly in Queens.

Terri has been a steadfast friend and consistent advocate for New York City public school children. I have attended dozens of meetings on local education issues with Terri, and she has been a powerful ally in the fight to ensure that Queens County gets its fair share of education resources.

Thomson has been a strong supporter of many community organizations and has served as a board member of the Greater Jamaica Development Corporation, Queens Symphony Orchestra, Queens Library Foundation, Flushing Council on Culture and the Arts, St. Francis College Board of Regents; as Chair of Queens County Overall Economic Development Corporation, Treasurer of the Queens Chamber of Commerce and Vice Chair of the Brooklyn Sports Foundation.

Thomson currently serves as Vice President and Director of State Civic Affairs in the Citigroup Corporate Affairs Department. Previously, she was Vice President and Director of New York City and State Government Relations for Citigroup in the Global Community Relations Department. She began her career with Citigroup in February 1990 as Director of Government Relations, representing her company in the communities of Queens, Brooklyn, Manhattan and Staten Island. Prior to her career at Citigroup, Terri was District Administrator for ten years for Congressman GARY ACKERMAN, advocating for the citizens of Queens.

A strong advocate for school governance reform, Thomson took a leadership role in changing the prohibition against Board of Education employees serving as parent representatives on School Leadership Teams. She has been relentless in fighting for capital dollars in the Board's Capital Plan to relieve the long-standing neglect of Queen's schools that has resulted in borough-wide overcrowding.

Thomson, a graduate of Queens College, was born in Brooklyn and has lived in Flushing, Queens since the age of three. Thomson and her husband Ed have two daughters, Patricia and Maryellen.

Mr. Speaker, please join me in commending Terri Thomson for all her work on behalf of her community.

INTRODUCTION OF A BILL TO ENSURE THAT INCOME AVERAGING FOR FARMERS NOT INCREASE A FARMER'S LIABILITY FOR THE ALTERNATIVE MINIMUM TAX

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. HERGER. Mr. Speaker, today I introduce the Farmer Tax Fairness Act, along with my Ways and Means Committee colleagues, Representatives THURMAN, DUNN, and FOLEY, ENGLISH, and CAMP. This legislation will help ensure that farmers have access to tax benefits rightfully owed them.

As those of us from agricultural areas understand, farmers' income often fluctuates from year to year based on unforeseen weather or market conditions. Income averaging allows farmers to ride out these unpredictable circumstances by spreading out their income over a period of years. A few years ago, we acted in a bipartisan manner to make income averaging a permanent provision of the tax code. Unfortunately, since that time, we have learned that, due to interaction with another tax code provision, the Alternative Minimum Tax (AMT), many of our nation's farmers have been unfairly denied the benefits of this important accounting tool.

Our legislation directly addresses the concerns being raised by farmers using income averaging. Under the Farmer Tax Fairness Act, if a farmer's AMT liability is greater than taxes due under the income averaging calculation, that farmer would disregard the AMT and pay taxes according to the averaging calculation. As such, farmers will be able to take full advantage of income averaging as intended by Congress.

This provision is a reasonable measure designed to ensure farmers are treated fairly when it comes time to file their taxes. I urge my colleagues to join me in promoting greater tax fairness for our nation's farmers.

100TH BIRTHDAY OF LANDIS, NORTH CAROLINA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. COBLE. Mr. Speaker, a town in the Sixth District of North Carolina will celebrate its centennial next month, and I wish to take this opportunity to congratulate Landis, North Carolina, on its 100th birthday. Landis was founded in southern Rowan County on March 7, 1901, by a group of investors in the textile industry. The first textile operation was Linn Mill that was started on land owned by Columbus Linn. The founding fathers of the town that would later be named Landis were, in essence, the board of directors of the newly formed mill company.

How the town came to be known as Landis is subject of much discussion. According to Ted L. Allen, author of the Historical Survey (June 1974 N.C. Department of Natural and Economic Resources), Landis was named after famed jurist and baseball legend Judge Kennesaw Mountain Landis. According to Allen, "In 1901, the U.S. Government brought an anti-trust suit against a major U.S. oil company. The judge residing on the anti-trust case was Judge Kennesaw Mountain Landis. As a result of the large sum of money involved, 29 million dollars, and the name of the judge in the case, a motion was made one evening in an informal discussion that the town be named Landis. The community leaders adopted the name and the name was submitted to the post office department. The post office department did not object and on March 7, 1901, the N.C. General Assembly ratified the incorporation of the Town of Landis, North Carolina."

This story was well accepted by old timers in town. While it is a good story, there are a few holes in it. President Theodore Roosevelt didn't appoint Judge Landis until 1905. The oil company was Standard Oil Company and it appears that this case did not occur until the middle or latter part of the first decade of the 1900's. According to Frederick Corriher, his grandfather, Lotan A. Corriher, one of the original members of the Linn Mill board of directors, suggested that the town be named for Judge Landis at a town meeting in the 1920's. At that time, Judge Landis was commissioner of Major League Baseball, and thanks to the Black Sox scandal, was a national figure. Therefore, there is some friendly controversy about the naming of this town, but there are no disagreements about the future of Landis.

The future for Landis is bright. During its first 100 years, Landis has developed into a thriving bedroom community of more than 3,000 with a balance of industry and commercial growth. The town, always self-reliant, is a full-service small municipality. Landis remains true to its heritage as a textile community.

Parkdale Mills, for example, operates two plants there.

On behalf of the citizens of the Sixth District of North Carolina, we congratulate Landis, North Carolina on its centennial celebration. We offer our best wishes for much prosperity and success during the century to come.

IN HONOR OF SFC LATOYA D. KING-JOHN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. TOWNS. Mr. Speaker, I wish today to honor the 18-year commitment of SFC Latoya King-John of Brooklyn, NY. Ms. King-John is currently serving in the United States Army Reserve. From 1996–1997, Ms. King-John served in Operation Joint Venture; leaving her husband and two young children while she worked as a movement control supervisor in Bosnia, Croatia, and Hungary.

In addition, Ms. King-John has worked for New York State for the past 17 years. While there she has been an active member of the Civil Service Employees Association, where she has served on the Education Committee of Local 351. Also, Ms. King-John is a member of the Non-Commissioned Officers Association. In 1999, Ms. King-John was recognized by the Disabled American Veterans.

Mr. Speaker, Ms. King-John has served this country for nearly two decades at great personal sacrifice; she has served New York State for nearly two decades as well. As such, she is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable woman.

SUPPORT OF THE LABOR FIRST CONTRACT NEGOTIATIONS ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of the Labor Relations First Contract Negotiations Act.

The National Labor Relations Act guarantees the right of employees to organize and bargain collectively to improve living standards and working conditions. The right to organize is a basic civil right, and unions are an avenue to equity, fair treatment, and economic stability for working people. Free enterprise includes the freedom to organize as a unit to bargain collectively. Often, current law hinders this ability. That is why I have introduced the Labor Relations First Contract Negotiations Act.

This bill requires mediation and, if necessary, binding arbitration of initial contract negotiation disputes. Under this proposed bill, if an employer and a newly elected representative have not reached a collective bargaining agreement within 60 days of the representative's certification, the employer and the representative will jointly select a mediator to help them reach an agreement. If they cannot agree on a mediator, one will be appointed for them by the Federal Mediation and Conciliation Service. In the event that the parties do not reach an agreement in 30 days, the remaining issues may be transferred to the Federal Mediation and Conciliation Service for binding arbitration.

Let's make sure that everyone has a fair opportunity to negotiate a collective bargaining agreement. I urge my colleagues to join me in cosponsoring this legislation.

INTRODUCTION OF THE HOMEOWNERSHIP OPPORTUNITIES FOR UNIFORMED SERVICES AND EDUCATORS ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. LAFALCE. Mr. Speaker, today, along with my colleague Representative LEACH and a number of other Members of the House, I will be introducing the Homeownership Opportunities for Uniformed Services and Educators Act, also known as the "HOUSE Act."

The HOUSE Act authorizes I% down payment FHA mortgage loans for prekindergarten through 12th grade teachers, policemen, and firemen buying a home within the school district or local employing jurisdiction. This significantly reduces the down payment hurdle. For example, the down payment on a $132,000 home would be lowered from around $6,270 to only $1,320. In higher cost areas the effect would be more dramatic.

Moreover, for qualified borrowers, the bill defers the 1.5% up-front FHA premium that FHA customarily charges, which currently ranges from $1,980 to $3,590, depending on the size of the loan. Moreover, this deferred fee is reduced by 20% for each year of public service in the community, and entirely waived after five years of continued service.

Down payment and loan fee reductions will have the effect of helping school districts and localities recruit and retain qualified teachers, policemen and firemen. It will also make it easier for these public servants to buy a home within the community they work. And, the bill's premium waiver feature provides an incentive for continued public service in the local community.

The Congressional Budget Office (CBO) has estimated that the bill would generate 125,000 new loans to teachers, policemen, and firemen over the next five years. CBO also determined that the bill would actually increase the federal budget surplus by $162 million over the same period.

This legislation is supported by the Fraternal Order of Police, the American Federation of Teachers, the National Education Association, and the American Association of School Administrators.

Moreover, the bill enjoys bi-partisan support, and was in fact passed by the House last year, as Section 203 of H.R. 1776. Unfortunately, it died when the House and Senate failed to reach agreement. I urge my colleagues to join us in cosponsoring this important legislation, so that we may enact it into law this year.

HONORING ASSEMBLYMAN DENIS BUTLER

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. CROWLEY. Mr. Speaker, I rise today to honor Assemblyman Denis Butler for his twenty-four years of elected service on behalf of the people of Queens. The Powhatan and Pocahontas Regular Democratic Club will honor Butler again next week for his tremendous advocacy for youth, senior citizens, veterans and the disabled.

Assemblyman Butler was first elected to the New York State Assembly in April of 1976, and enjoyed victories in every Assembly race since then. During his twenty-four years in the Assembly, Mr. Butler moved up the ranks to become an Assistant Speaker Pro Tempore, to which he was appointed in 1993. Assemblyman Butler previously held the positions of Vice-Chairman of the Majority Conference, Chairman of the Majority Conference and Chairman of the Committee on Standing Committees. He was also a member of the Executive Committee of the Eastern Regional Conference of the Council of State Governments.

As Chairman of the Queens Assembly Delegation, Assemblyman Butler has been an unfailing advocate for Astoria and Long Island City, successfully securing hundreds of thousands of dollars for numerous recreational, cultural, educational, civic, youth, anticrime and senior programs throughout Queens.

In 1998, Assemblyman Butler received the Brooklyn Diocese's Pro Vita award, presented to him by Bishop Francis J. Mugavero in recognition of his efforts on behalf of the unborn. In 1992, he was the recipient of the New York State Catholic Conference Public Policy Award, presented by John Cardinal O'Connor and the Bishops of New York State. Assemblyman Butler was the driving force behind the Maternity and Early Childhood Foundation, a non-for-profit statewide organization that promotes alternatives to abortion, successfully securing approximately 17 million dollars for the Foundation since 1983.

Assemblyman Butler is Vice-Chairman of the Queens Democratic County Committee and for thirty years was the Executive Member of the Powhatan Regular Democratic Club, one of the oldest clubs in New York State. In conjunction with the Powhatan and Pocahontas Clubs, Assemblyman Butler was the organizer for the last twenty-nine years of annual Toys for Tots Drive for the needy.

Mr. Butler is a lifelong resident of the District he represented, covering Astoria, Long Island City and Jackson Heights. A graduate of La Salle Academy and Cathedral College, Assemblyman Butler also attended St. Joseph's Seminary, Columbia University and the State University at Albany. Prior to his election to the New York State Assembly, Mr. Butler, who holds a Bachelor of Arts Degree, was an account executive and sales manager on the

field of broadcasting, both in radio and television.

Married to former Mary Kerr, Assemblyman Butler and his lovely wife have three children: Kathleen, a health care administrator; Denis, an attorney; and Thomas, President of Butler Associates, a Manhattan based Public Relations and Marketing Firm.

I was proud to serve with Assemblyman Butler in the New York State Assembly for twelve years, and I am pleased to call him a friend.

Mr. Speaker, please join me in commending Assemblyman Butler for his twenty-four years of advocacy for the people of Queens and New York State.

INTRODUCING A BILL TO ENSURE THAT SMALL BUSINESSES ARE RIGHTFULLY ENTITLED TO USE THE CASH METHOD OF ACCOUNTING

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. HERGER. Mr. Speaker, today I introduce the ''Cash Accounting for Small Business Act of 2001,'' a bill to simplify the tax code and provide relief for small businesses across the nation. I am pleased to be joined in this effort by my colleague on the Ways and Means Committee, Mr. TANNER, along with the chairman and ranking member of the Small Business Committee, Mr. MANZULLO and Ms. NYDIA VELÁZQUEZ.

One of the most complex and burdensome aspects of the Tax Code for many small businesses is also one of the most fundamental—their tax accounting method. While current tax law specifies a $5 million annual gross receipts test for the use of cash accounting, this test has often been misinterpreted by the IRS, especially for small businesses using inventory.

Today we are introducing the ''Cash Accounting for Small Business Act of 2001,'' legislation to clarify tax accounting rules for small businesses. Our legislation will follow the recommendation of the IRS National Taxpayer Advocate in his 2000 report to Congress by further clarifying the $5 million threshold for use of the cash method of accounting. For small companies with average annual gross receipts below that level, they will be entitled to use the cash method. In addition, the bill will enable small businesses, particularly service providers below the $5 million threshold, to avoid the onerous inventory-accounting rules. As a result, small business owners will be able to save time and accounting costs and put them back into productive use.

According to accountants, the use of accrual accounting can increase a small business' accounting costs by as much as 50 percent. For small firms struggling to get their businesses off the ground, that's valuable capital thrown down the drain to pay for unnecessary recordkeeping. The costs for failure to comply, however, can be quite high. A survey by the Padgett Business Services Foundation, for example, revealed that on the inventory accounting issue alone, a small business found by the IRS to be using the incorrect bookkeeping method can end up paying $2,000 to $14,000, with an average of $7,200 in taxes, interest, and penalties.

Small business owners across the country have been clamoring for tax simplification. This legislation is a down payment on that goal. I urge all my colleagues to join me in this straight-forward effort to infuse some common sense into our overly complicated Tax Code. Small businesses contribute greatly to this country's economy, and they deserve a break from needless government-imposed compliance costs.

A TRIBUTE TO THE HONORABLE ALBERT VANN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. TOWNS. Mr. Speaker, I wish today to honor New York State Assemblyman Albert Vann of Brooklyn, New York upon his receipt of the Susan G. Hadden Pioneer Award from the Alliance for Public Technology. The Hon. Albert Vann has served as the NYS Assemblyman for the 56th Assembly since 1974. During this time Mr. Vann has been a tireless advocate on behalf of low-income communities, chairing the Assembly Standing Committee on Children and Families as well as the New York State Black and Puerto Rican Caucus. He is currently the Chairman of the Assembly Standing Committee on Corporations, Authorities and Commissions. The 'Corporations' Committee has oversight authority over the New York State Public Service Commission, the regulatory body for telecommunications and cable.

Assemblyman Vann has worked on a variety of initiatives to lay the groundwork to bring technology to low income and rural areas. Mr. Vann worked with me to expand the Congressional Black Caucus' Braintrust Communications Conference to include telecommunications and e-commerce issues. He also worked with the New York State Public Service Commission to create the Diffusion Fund, which provides $50 million to establish broadband capacity in low-income communities. In addition, he has held a series of technology seminars in his district to provide his constituents with networking opportunities in telecommunications and information services.

Al Vann was selected to serve as co-chair of the Assembly Task Force on Telecommunications where he worked on the ramifications of the 1996 Federal Telecommunications Act for New York State. He has used his positions to ensure that New York State maintains a leadership role on telecommunications issues. Al brought his technology access concerns to a national forum by chairing the National Black Caucus of State Legislators Telecommunications and Energy Committee.

Mr. Speaker, NYS Assemblyman Al Vann has been a tireless advocate on behalf of the technologically underserved, through his hard work and dedication, he has provided access where otherwise there would not be any. As such, he is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this fine public servant.

INTRODUCTION OF A HOUSE CONTINUING RESOLUTION URGING INCREASED FEDERAL FUNDING FOR JUVENILE (TYPE 1) DIABETES RESEARCH

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of legislation which urges Congress to increase federal funding for Type I diabetes, also known as juvenile diabetes.

Type I diabetes is a devastating illness that affects over 1 million Americans, many of whom are diagnosed as children. This serious disease robs children of their innocence and independence, and burdens its victims with a lifetime of finger-sticks, shots, and fear of dreaded complications.

Even with a strict regimen of insulin injections, blood-glucose monitoring, diet and exercise, people with Type I diabetes are at severe risk for blindness, kidney failure, amputations, heart disease and stroke.

The burden of diabetes is felt by all Americans. Americans spend $105 billion each year on the direct and indirect costs of this disease. One of every four Medicare dollars is spent on beneficiaries with diabetes, and one in ten health care dollars overall are spent on individuals with this serious disease.

There is great promise that a cure for Type I can be found in the near future. Advancements in genetic research, transplantation and immunology, and research into potential vaccines all hold the potential to eliminate Type I diabetes. But if we are to find a cure, we in Congress must find the money to pay for it.

The Diabetes Research Working Group (DRWG), a Congressionally appointed panel of experts in diabetes research, issued a report in 1999 that indicates the need for a significant increase in diabetes research. The DRWG recommended a $4.1 billion increase for diabetes research over a five year period. Congress must heed this report.

This legislation I am introducing today recognizes the particular burden of Type I diabetes, and the need to follow the recommendations of the DRWG. It also recognizes the importance of our partners in the private sector, such as the Juvenile Diabetes Research Foundation, which has donated more than $326 million to diabetes research since 1970 and will give $100 million in FY 2001.

Mr. Speaker, full funding for diabetes research will help eradicate this devastating illness, save billions of health care dollars, and end the unnecessary suffering of millions of Americans. I urge all of my colleagues to join me in our fight to cure Type I diabetes.

TEACHER RECRUITMENT AND RETENTION ACT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. MOORE. Mr. Speaker, I rise today to ask my colleagues to support the Teacher Recruitment and Retention Act. I am introducing this legislation today to address a pressing need in school districts across the country—the need for teachers at all levels.

Local school districts all over the country are struggling with a teacher shortage that shows no signs of abating in the near future. Urban, rural and suburban districts are all struggling, to different degrees, with this problem caused by a combination of demographic trends and a low teacher retention rate.

The children of the Baby Boomers, or the ''Baby Boom Echo,'' resulted in a 25% increase in our nation's birth rate that began in the mid-1970s and reached its peak in 1990 with the birth of 4.1 million children. The children of the Baby Boom Echo are flooding our schools—in the fall of 2000, 53 million young people entered our nation's public and private classrooms and, for the fourth year in a row, set a new national enrollment record for elementary and secondary education. The record 2000 enrollment reflects an increase of 6.5 million, or 14% since fall 1990.

Furthermore, the U.S. is on the verge of a massive wave of retirements as the large cohort of experienced teachers who were hired in the late 1960s and 1970s begin to leave the profession. A total of 2.2 million teachers are needed to meet enrollment increases in the next 10 years and to offset the large number of teachers who are preparing to retire. The nationwide shortage of teachers is already particularly pronounced in the disciplines of science, math, special education, and foreign languages.

Unfortunately, young teachers are leaving the profession at an alarming rate. Local school administrators are working overtime to find the qualified teachers they need, but their toughest problem is keeping them once hired. Our recent booming economy, which has benefited Americans at all levels, has drawn quality teachers to higher-paying, lower-stress jobs in the private sector. Twenty-two percent of all new teachers leave the profession in the first three years. Studies show that teachers are much more likely to remain in the field of education throughout their career if we can help them through the first three years.

Local school districts are already feeling the effects of this trend. Last year, I conducted a survey of school districts within the Third Congressional District in Kansas, and the principals reported to me that 92% of elementary schools, 95% of junior high/middle schools and 75% of high schools reported they were able to fill all teaching positions with qualified teachers. Furthermore, the principals fully expect this problem to continue—75% of all schools reported they anticipate difficulty hiring qualified teachers in the future, including 90% of the middle school and junior high schools.

It is time for the federal government to assist states and local school districts in attracting and keeping qualified teachers. It is also time to recognize that recruiting and retaining good teachers is a national priority worthy of federal investment.

Mr. Speaker, today with several of my colleagues I am introducing the Teacher Recruitment and Retention Act. This bill would forgive 100% of federal student loans (up to $10,000) over five years for any newly qualified educator who: teaches in a low-income school, teaches special education, or teaches in a designated teacher shortage area (as defined by the state departments of education). The provisions of this bill would apply to all Federal Family Education Loan (FFEL) Direct Loans (DL).

I encourage my colleagues to hear the requests of their school districts and join me in cosponsoring this important legislation.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BECERRA. Mr. Speaker, on January 30 and 31 and February 6, 7, and 13, I was unable to cast my votes on rollcall votes: No. 5, on motion to suspend and pass H.R. 93; No. 6 on motion to suspend and agree to H. Con. Res. 14; No. 7 on motion to suspend and agree to H. Con. Res. 15; No. 8 on approving the journal; No. 9 on motion to suspend and pass H.J. Res. 7; No. 10 on motion to suspend and agree to H. Res. 28; No. 11 on motion to suspend and pass H.R. 132; No. 12 on motion to suspend and agree to H. Res. 34; and No. 13 on motion to pass H.R. 2. Had I been present for the votes, I would have voted ''aye'' on rollcall votes 5, 6, 7, 8, 9, 10, 11, 12, and 13.

HONORING MARY ANNE KELLY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. CROWLEY. Mr. Speaker, I rise to honor Mary Anne Kelly for her great commitment to community and family involvement. Kelly will be recognized next week by the Powhatan and Pocahontas Regular Democratic Club for her work on behalf of her community in Long Island City and Astoria, New York.

Kelly's love for and roots in Queens are deep and long lasting. She was bom in St. John's hospital, then located to Long Island City, where she was raised as the only child of loving parents, Florence and Lawrence Creamer of Astoria. She graduated from St. Joseph's Grammar School in Astoria with honors and was the recipient of the Math Medal. Mary Anne then attended St. Jean the Baptiste High School in Manhattan where she participated in numerous activities and did volunteer work with the New York Foundling Home. She said that although it was often heart wrenching, it was a wonderful feeling to be able to help infants and toddlers. It was a true labor of love.

Mrs. Kelly had every intention of entering Hunter College with the goal of becoming a Math teacher, as she loved working with children. However, the New York Telephone Company offered a wonderful opportunity to her, and she opted for the business world—a choice she does not regret. She worked for eight years in the commercial department, the last five years as a business representative. Kelly also served as her office's union representative.

In the summer of 1956, a mutual friend introduced Mary Anne to a wonderful man. Now after 43 years of marriage to Peter Kelly, Mary Anne claims that summer day was the luckiest day of her life. They were married in June of 1958 and had three marvelous children: Peter, now a Civil Court Judge, Anne-Marie, my talented Director of Constituent Service, and Carleen. In addition, they have a loving daughter-in-law Cathy, a terrific son-in-law Robert, and have been blessed with four beautiful grandchildren Christian, Bobby, Brian and Meghan.

Kelly's involvement with politics started with a phone call from Denis Butler who had decided to run for Democratic leader in Astoria. He invited her to run with him as female co-leader. They had known each other through their mutual involvement in church and Home School activities. Kelly was Vice President of the Rosary Society and had chaired many successful fundraisers for their school. That phone call was the beginning of a wonderful political union and a friendship that lasted through 30 years of service to their community and clubs. They have the honor of being the two leaders, male and female, in Queens who remained in office longer than any other political team. Although Kelly is no longer a Democratic District Leader, a title her daughter Anne-Marie Anzalone now holds, she will always remain devoted to her community and the Pocahontas and Powhatan clubs whose members have been so supportive over the years.

As an elected official, I appreciate the work and dedication of people like Mary Anne Kelly to democracy and good government. Mary Anne is the person who carries the petitions, stuffs the envelopes, helping to elect hundreds of talented men and women to all levels of government, from Queens courts to U.S. President.

Mr. Speaker, please join me recognizing Mrs. Mary Anne Kelly for her lifetime of service to the communities of Astoria and Long Island City, New York.

HONORING JOLIET JUNIOR COLLEGE (JJC)

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. WELLER. Mr. Speaker, today I honor Joliet Junior College (JJC) as they celebrate their 100 year anniversary and the unveiling of the U.S. Postal Service post card honoring JJC.

JJC is America's oldest public community college. It began in 1901 as an experimental

postgraduate high school and was the ''brain child'' of J. Stanley Brown, Superintendent of Joliet Township High School, and William Rainey Harper, President of the University of Chicago. The college's initial enrollment was six students.

Brown and Harper's innovation created a junior college that academically paralleled the first two years of a 4-year college or university. The junior college was designed to accommodate students who wanted to remain within the community and still pursue a college education that was affordable. Today, Brown and Harper's vision has spread across the nation and has become a vital part of our economic prosperity and our cultural awareness.

Community Colleges have stood the test of time, meeting the challenges of recovery from depression and war, opening their doors to over 2.2 million veterans since World War II and teaching a generation of baby boomers. Now, our community colleges are faced with a myriad of new challenges as they enter their second century.

On February 20, 2001, the United States Postal Service will issue and unveil a post card in honor of the 100th anniversary of JJC and to also honor all of America's Community Colleges. It is my hope that this post card will reaffirm to the American public the value of a good education and will remind us here in Joliet how lucky we are to have JJC in our backyard.

Mr. Speaker, I urge this body to identify and recognize other institutions in their own districts whose actions have so greatly benefited and strengthened America's communities.

H.R. 599: MEDICARE MENTAL ILLNESS NON-DISCRIMINATION ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. ROUKEMA. Mr. Speaker, yesterday I introduced H.R. 599, the Medicare Mental Illness Non-Discrimination Act. In reference to my extension of remarks concerning this legislation (on page E156 of the CONGRESSIONAL RECORD), I ask that a letter in support of H.R. 599 from Dr. Daniel B. Borenstein, President of the American Psychiatric Association (APA), be added in the RECORD. I submit the following letter from the APA into the CONGRESSIONAL RECORD.

AMERICAN PSYCHIATRIC ASSOCIATION,
Washington, DC, February 8, 2001.

Representative MARGE ROUKEMA,
Rayburn Building, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE ROUKEMA: On behalf of the American Psychiatric Association (APA), the medical specialty representing more than 40,000 psychiatric physicians nationwide, I am writing to offer our heartfelt thanks for your sponsorship of legislation to end Medicare's historic discrimination against patients with mental illness.

As you know, Medicare currently requires patients seeking outpatient treatment for mental illness to pay 50 percent of their care out of pocket, as opposed to the 20 percent copayment charged for all other Medicare Part B services. This is simply a policy of discrimination by diagnosis that inflicts a heavy toll on Medicare patients who, for no fault of their own, happen to suffer from mental illness.

Your legislation would end this discrimination by requiring that Medicare patients pay only the same 20 percent copayment for mental illness treatment that they would pay when seeking any other medical treatment, including, for example, treatment for diabetes, cancer, heart disease, or the common cold. APA commends you for your continued dedication to persons with mental illness, and we join you in urging Congress to end Medicare's discriminatory coverage of mental illness treatment.

Thank you for your sponsorship of this most important bill. We look forward to working with you to secure its ultimate enactment.

Sincerely,

DANIEL B. BORENSTEIN, M.D.,
President.

INTRODUCTION OF A BILL TO STRENGTHEN AND IMPROVE THE BENEFITS PROVIDED TO SMALL BUSINESSES UNDER INTERNAL REVENUE CODE SECTION 179

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. HERGER. Mr. Speaker, today I introduce the ''Small Business Expensing Improvement Act of 2001,'' legislation to assist small businesses with the cost of new business investment. I am pleased to be joined in this effort by my colleague on the Ways and Means Committee, Mr. TANNER.

Small businesses truly are the backbone of our economy, representing more than half of all jobs and economic output. We should not take small business vitality for granted, however. Rather, our tax laws should support small businesses in their role as the engines of innovation, growth, and job creation.

The legislation we are introducing today will improve our tax laws to make it easier for small businesses to make the crucial investments in new equipment necessary for continued prosperity. Under Code Section 179, a small business is allowed to expense the first $24,000 in new business investment in a year. Our legislation will increase this amount to $35,000, beginning in 2001. Furthermore, our bill will index this amount to ensure that the value of this provision is not eroded over time.

This legislation will also allow more small businesses to take advantage of expensing by increasing from $200,000 to $300,000 the total amount a business may invest in a year and qualify for Section 179. It is important to note that this amount has not been adjusted for inflation since its enacting into law in 1986.

The ''Small Business Expensing Improvement Act'' also improves the small business expensing provision by following the recommendations of the IRS National Taxpayer Advocate in his 2000 Annual Report to Congress. Specifically, our legislation makes residential rental personal property and off-the-shelf computer software eligible for expensing under Section 179.

Mr. Speaker, in times of economic uncertainty, we must do all we can to encourage new investment and job creation. The ''Small Business Expensing Improvement Act of 2001'' will help accomplish this worthy goal, and I urge my colleagues to join me in this effort.

IN COMMEMORATION OF THE DAY OF REMEMBRANCE RE-INTRODUCTION OF THE WARTIME PARITY AND JUSTICE ACT OF 2001

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BECERRA. Mr. Speaker, on Saturday I will enjoy the privilege of joining with citizens in Los Angeles at the historic Japanese American National Museum dedicated in its mission to ''remembering our history to better guard against the prejudice that threatens liberty and equality in a democratic society,'' in commemorating the Day of Remembrance. Truly by reflecting on our history we secure the promise of the ''streets of gold'' that our ancestors dreamed about. An America ripe with opportunity for all people—and a spirit refined by our struggles to build a brighter future as we secure the riches of the blessings of liberty.

On Saturday, we will gather to remember a solemn past so we can look onward towards a future of promise. We look back solemnly to a relocation center at Rohwer Arkansas where a young boy was forced to spend much of his childhood. But we see a more promising future as this boy, Los Angeles' very own, George Takei, overcame that experience to become a household name as an original cast member of one of America's most celebrated television programs. We look back solemnly at a relocation center called Heart Mountain in Wyoming where another innocent young boy was stripped of his freedom. But we see a more promising future as this boy, Norman Mineta, became the first Asian Pacific American ever to serve on a presidential cabinet. We look back solemnly as mothers and fathers stood behind barbed wires branded as traitors to the very flag for which their sons fought as valiant soldiers of the 442nd Combat Regiment. They helped secure our freedom even as we robbed that very freedom from their loved ones. But we look to a more promising future as last year President Clinton finally awarded this country's highest military citation, the Medal of Honor, to 22 of these heroes. Those medals are just a dim reflection of the brilliance of their courage and resilience. We can never repay their sacrifice for our nation.

These are the ones who have worked tirelessly to bring us where we are today. But there is still much more work that needs to be done. This year's Day of Remembrance theme behind which we gather, ''Building a Stronger Community Through Civil Rights and Redress'' is appropriately fitting as we work together towards the America we dream of today. Together we have achieved much but there is still much more left to do. I am proud to continue our struggle for civil rights. Along with

the Congressional Asian Pacific American Caucus, I worked this last year in Congress to secure needed funding to build a memorial center right outside of Los Angeles at the Manzanar relocation center. My colleagues and I wanted to make sure that the camp stands to remind us never to erect another one again. We must remember our past so we can build a better future. Further, during the 106th Congress we worked in combating the sickness of hate motivated crimes, establishing the first ever Presidential Commission on Asian Pacific Americans, defending bilingual education, enabling minority owned businesses, and fighting against the troubling trend of racial profiling.

This year I followed closely the story which our keynote speaker, Ms. Alberta Lee, will speak about. Indeed, Mr. Wen Ho Lee's case sent shockwaves not only through the Asian Pacific American community but through all of us dedicated to civil rights—and those of us who know our history. Fifty-nine years ago after the tragic bombing of Pearl Harbor an entire group of American's became suspect and victims of racial profiling. The only ''evidence'' the United States had against them was the color of their skin. Unfortunately that was enough for President Franklin Roosevelt to sign Executive Order 9066. And so without a trial, more than 100,000 people of Japanese descent lost their freedom. It was not until 1983 that a Presidential Commission characterized the internment as an act of racism and wartime hysteria. After all those years the government never uncovered even a single case of sabotage or espionage committed by an American of Japanese ancestry during the war. Yet more than 100,000 people had already lost their freedom as little boys and girls wondered behind barbed wires, guarded by armed guards, what they had done wrong. Indeed we were troubled by Mr. Lee's case as we remembered what happened 59 years ago.

The second part of this year's Day of Remembrance theme is redress. Truly in order to move forward we must address the wounds of the past. After decades of struggle, President Reagan signed the historic Civil Liberties Act into law that finally gave redress to those who suffered by our government's mistakes.

We celebrate this victory even today because the achievement remains monumental. However, we are still only looking over the horizon as we look forward to a new day when this chapter of our history is finally brought to a close. The sun has not risen on the new day because it has not yet set on the old. There is still unfinished work that must be done before we can move forward into a brighter future.

Last year, I introduced bi-partisan legislation in Congress to finish the remaining work of redress. While most Americans are aware of the internment of Japanese Americans, few know about our government's activities in other countries resulting from prejudice held against people of Japanese ancestry. Recorded thoroughly in government files, the U.S. government involved itself in the expulsion and internment of an estimated 2,000 people of Japanese descent who lived in various Latin American countries. Uprooted from their homes and forced into the United States, these civilians were robbed of their freedom as they were kidnapped from nations not even directly involved in World War II. These individuals are still waiting for equitable redress, and justice cries out for them to receive it. That is why today I re-introduced the Wartime Parity and Justice Act of 2001 to finally turn the last page in this chapter of our nation's history.

This bill provides redress to every Japanese Latin American individual forcibly removed and interned in the United States. These people paid a tremendous price during one of our nation's most trying times. Indeed, America accomplished much during that great struggle. As we celebrate our great achievements as a nation let us also recognize our errors and join together as a nation to correct those mistakes. My legislation is the right thing to do to affirm our commitment to democracy and the rule of law.

In addition, the Wartime Parity and Justice Act of 2001 provides relief to Japanese Americans confined in this country but who never received redress under the Civil Liberties Act of 1988 given technicalities in the original law. Our laws must always establish justice. They should never deny it. That is why these provisions ensure that every American who suffered the same injustices will receive the same justice. Finally, we come today to remember because through remembrance scars are healed and we become more careful to guard against the same injuries again. That is why my legislation will reauthorize the educational mandate in the 1988 Act which was never fulfilled. This will etch this chapter of our nation's history in our national conscience for generations to come as a reminder never to repeat it again.

Let us renew our resolve to build a better future for our community through civil rights and redress as we dedicate ourselves to remembering how we compromised liberty in the past. This will help us to guard it more closely in the future. I look forward to working with my colleagues to pass this much needed legislation.

HONORING THE R.A. BLOCH CANCER FOUNDATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. MOORE. Mr. Speaker, I rise today to honor a family and a foundation that have changed the lives of thousands of cancer patients in our country—Richard and Annette Bloch and the volunteers of the R.A. Bloch Cancer Foundation.

In 1978, Richard Bloch was told he had terminal lung cancer and that he had 3 months to live. He refused to accept this prognosis, and after two years of aggressive therapy, he was told he was cured.

Since Richard's bout with cancer, he and his wife Annette have devoted their lives to helping other cancer patients. Richard, one of America's best known businessmen, sold his interest in H&R Block, Inc. and retired from the company in 1982 to be able to devote all of his efforts to fighting cancer.

The Bloch Cancer Foundation, which is fully supported financially by the Bloch family, is fueled by over a thousand volunteers—other cancer survivors and supporters who share the vision of Richard and Annette Bloch, such as:

Doctors who have shared their time, knowledge and expertise;

Home volunteers who call newly diagnosed cancer patients and place the metaphorical arm around a shoulder. These home volunteers guide new patients through their apprehension and fears so they can face their disease with confidence;

Computer specialists who have developed the web sites so patients and survivors can seek help over the Internet;

Volunteers who give their time on a weekly basis to answer phones and e-mail and form the backbone of an organization committed to cancer patients;

The professionals and volunteers of the Bloch Cancer Support Center;

Those who help develop Cancer Survivors Parks;

Volunteers who helped to mail more than 98,000 books that were requested by cancer patients; and

The Board of Directors who help Dick and Annette develop and implement the programs of the foundation.

Mr. Speaker, on June 4, 2001, we will celebrate the 16th anniversary of Cancer Survivors Day, an event that was started by the Blochs in Kansas City and is now celebrated in over 700 communities throughout the United States. June 4th also marks the 21st anniversary of the Cancer Hot Line, which has received more than 125,000 calls from newly diagnosed cancer patients since its inception in 1980.

I encourage my colleagues to join me as I honor Richard and Annette Bloch and the volunteers of the R.A. Bloch Cancer Foundation for twenty-one years of steadfast commitment to cancer patients and survivors.

HONORING SUSAN B. ANTHONY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, Susan B. Anthony is well remembered as one of our nation's greatest champions not just of the right of women, but of all Americans. In addition to her work for women's rights, she was a leading voice speaking out against the evil of slavery. Her work in turning women away from abortion is regarded as one of her most important contributions. Susan B. Anthony declared that amongst her greatest joys was to have helped ''bring about a better state of things, for mothers generally, so that their unborn little ones could not be willed away from them.''

Today, on the 181st anniversary of her death, we honor this great human rights crusader and bring her wisdom to bear on one of the great human rights issues of our day—the right of life of the unborn. Susan B. Anthony was clear: abortion for her was nothing less

than "child murder," and she devoted much of her energies toward making women independent of what she termed the "burden" of abortion. She did so not just because she knew abortion to be "child murder", but because she understood the lasting harm it has on women. As she noted, abortion could only "burden her conscience in life and burden her soul in death."

Susan B. Anthony fought to lift the unjust burdens oppressing women, including the burden of abortion. As we celebrate her birthday, let us also recommit ourselves to her goal of relieving women of the burden of abortion.

CONGRATULATING TENAFLY MIDDLE SCHOOL ON EFFORTS TO REMOVE LAND MINES

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. ROUKEMA. Mr. Speaker, I thank the students of Tenafly Middle School for the work they have done to raise money to help rid a small Balkan town half a world away of land mines. The work these students have done is an outstanding example of humanitarian concern and compassion among amazingly young individuals—these are students in the sixth, seventh and eighth grades.

The Land Mine Awareness Club grew out of a class taught by language arts teacher Mark Hyman, called "Heroes of Conscience" and aimed at the development of student leaders by focusing on historical figures who were models of compassion and service. Students in the class decided two years ago to focus on the land mine issue, which had been championed by Britain's Princess Diana before her 1998 death.

About two dozen students from the class formed the Land Mine Awareness Club, designed a multimedia presentation on the world land mine problem, and chose the village of Podzvizd in northwestern Bosnia-Herzegovina as a "sister city." The students began taking their presentation to churches, civic groups and other organizations throughout Bergen County, explaining the dangers of land mines and appealing for donations to help remove land mines in Podzvizd.

The students soon formed a non-profit organization, Global Care Unlimited Inc., in order to collect donations on behalf of Podzvizd. In addition to the presentations by the club, the school's 800 students began a campaign of selling paper butterflies—representative of the deadly "butterfly" model of land mine—that raised $6,000. To date, the students have raised a total of approximately $15,000 in donations. Last week, Global Care signed an agreement with the U.S. State Department, which will match the private donations dollar for dollar under its Global Humanitarian Demining Program. In all, $30,000 is now available to remove hundreds of mines from a field near a school in Podzvizd.

Global Care Unlimited declares part of its goal to be "to develop student leadership potential in the areas of organization, communication and technology in the service of humanitarian ideals." The students participating in this project have, in fact, learned how to establish a formal, non-profit organization, have learned communication skills by working with the local media and technological skills in putting together the multimedia presentation used in their fund-raising efforts.

Special recognition must go to Mr. Hyman, a teacher who has made a difference not only in the lives of his own students but for the residents of Podzvizd as well. These students clearly took to heart the lessons they learned in this class and put them to use—in my mind, they have become "heroes of conscience" themselves.

Mr. Speaker, land mines are horrible enough when used during time of war by soldiers of one army against those of another. But land mines are unlike other weapons that observe a cease-fire when the war ends. Instead, they lie dormant, their locations often forgotten and difficult to find even if records are available. Civilians return to areas that were once battlefields and become victims of land mines even years after a conflict has ended. Approximately 110 million live land mines are estimated to be buried around the world today and one blows up every 22 seconds. Of those injured, 90 percent are civilians—more than one-third of them children. In nations such as Bosnia-Herzegovina, thousands of children with missing limbs are living evidence of the threat posed by land mines. And thousands of others have died as a result of the mines.

That is why I wrote to President Clinton last year, urging him to join the world effort led by Canada to ban anti-personnel land mines. In addition, I have co-sponsored the Land Mine Elimination Act, which would prohibit federal funds from being spent to deploy new anti-personnel land mines. A total of 156 nations support a complete ban of land mines, as do international leaders such as General Norman Schwarzkopf, Pope John Paul II and Bishop Desmond Tutu. I will continue to work hard to achieve the goal of ridding the globe of this man-made menace. This horror cannot be allowed to continue.

Mr. Speaker, I ask my colleagues in the United States House of Representatives to join me in congratulating these young people on the magnanimous humanitarian effort. We can all learn from the example offered by these youth. If I may quote from the Book of Isaiah, ". . . and a little child shall lead them."

VETERANS' COMPENSATION EQUITY ACT OF 2001

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. EVANS. Mr. Speaker, today, I am introducing H.R. 609, the "Veterans' Compensation Equity Act of 2001". This legislation will provide more equitable treatment to approximately 150,000 older veterans who receive service-connected disability compensation from the Department of Veterans Affairs and who are also eligible to receive retirement pay based upon their military service.

Under current law, the amount of military retirement pay received by a military retiree is reduced on a dollar-for-dollar basis by the amount of VA service-connected disability compensation the military retiree receives. This reduction in military retirement pay when the military retiree is in receipt of service-connected disability compensation is intended to prevent dual compensation. The notion of dual compensation is simply erroneous. Service-connected disability benefits are paid to compensate a veteran for an injury or illness incurred or aggravated during military service. Retirement benefits are paid to military retirees who have spent at least 20 years of their lives serving our country as members of the Armed Forces. These two programs—military retirement pay and service-connected disability compensation—are completely different programs with entirely different purposes. Payments made by these programs are not and should not be considered duplicative.

The current treatment of military retirees who have service-connected disabilities is simply inequitable. A veteran receiving service-connected disability compensation could become eligible for civil service retirement based on his or her subsequent work as a civilian employee of the federal government. This individual, unlike the military retiree, can receive the full amount of both of the retirement benefit which has been earned and the service-connected disability compensation for which he or she may be eligible.

The "Veterans' Compensation Equity Act of 2001" will reduce and then eliminate the offset in military retirement benefits for veterans who are entitled to both military retirement pay and service-connected compensation benefits. Under this bill the offset will be completely eliminated when the retiree reaches age 65.

In many cases, retired military personnel are fortunate enough to have retired from military service unscathed. These military retirees are not eligible to receive VA compensation due to illnesses or injuries incurred or aggravated during their military careers. In addition to receiving military retirement pay they are able to earn additional income through non-military employment and thereby accrue Social Security or other retirement income benefits.

Military retirees who were not so fortunate, are required to forfeit a portion or all of their military retirement pay in order to receive service-connected compensation benefits due to illnesses or injuries which were incurred or aggravated during their military careers. Before we consider tax relief for our Nation's wealthiest citizens, we should allow military retirees to receive the full amount of the retirement benefits they have earned through many years of devoted military service and compensation for illnesses or injuries which were incurred or aggravated during their military careers. These veterans, as a result of their service-connected medical conditions, face diminished employment possibilities and therefore a diminished ability to earn additional income through civilian employment. They may completely lose the opportunity to accrue Social Security or other retirement income benefits.

In general, Social Security disability benefits received by retirees are offset by monies received under state Worker's Compensation and similar public disability laws. However, the

Social Security statute provides that this offset ends when the worker attains 65 years of age. Furthermore, while recipients of Social Security benefits who earn income have their Social Security benefits reduced as a result of their earnings, this offset is eliminated at retirement age (currently 65).

While all veterans who are subject to the concurrent receipt offset are unfairly penalized, my bill would begin to rectify the injustice which falls most heavily on our older veterans. This bill will promote fairness and equity between military retirees and Social Security retirees by eliminating the offset at age 65.

Military retirees who have given so much to the service of our country and suffered disease or disabilities as a direct result of their military service do not deserve to be impoverished in their older years by the concurrent receipt penalty.

I commend Mr. Bilirakis, an original cosponsor of this bill, for his longstanding efforts to address the problems our military retirees experience due to the statutory prohibition on concurrent receipt of military retirement pay and benefits from the Department of Veterans Affairs. I urge my colleagues to support this bipartisan effort to promote fairness for our Nation's older military retirees.

AMERICAN HEART MONTH

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. PRICE of North Carolina. Mr. Speaker, I want to join my colleagues in recognizing February as American Heart Month. I commend the American Heart Association and other organizations for their efforts to raise awareness of heart disease. Their work is essential to reducing the physical, emotional, and economic burden of heart disease on the American public.

Heart disease remains the number one killer in America. Currently 20 million Americans are living with some form of this disease. In 1997 alone, over nineteen thousand North Carolinians died of heart disease. Every American is at risk for heart disease, and most of us have loved ones who have suffered from some form of this disease. The financial cost to the American public is immense. Heart disease, together with stroke and other cardiovascular diseases, are estimated to cost approximately $300 billion in medical expenses and lost productivity in 2001.

One way each of us can help reduce the number of deaths and disability from heart disease is by being prepared for cardiac emergencies. Unfortunately, too many Americans do not know the warning signs of a heart attack. They include uncomfortable pressure, fullness, squeezing or pain in the center of the chest lasting more than a few minutes; pain spreading to the shoulder, arm or neck; and chest discomfort with lightheadedness, fainting, sweating, nausea or shortness of breath. If a friend or family member is exhibiting these symptoms, you can assist them by recognizing these signs, being prepared to call 9–1–1, and administering CPR if needed. Just knowing these signs can save your life or the life of someone you care about.

I urge each of us to dedicate ourselves to learning more about heart disease, how to prevent it, how to recognize it, and what to do if you suspect that someone is having a problem. In the meantime, Congress must continue its strong commitment to the National Institutes of Health so researchers have the tools necessary to find new ways to treat and cure this devastating disease.

TRIBUTE TO ZINOVY GORBIS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Professor Zinovy Gorbis, who will be celebrating his 75th birthday on March 3. Professor Gorbis, a faculty member of UCLA's Mechanical, Aerospace, and Nuclear Engineering Department, committed his life to studying the properties of solid particles suspended in gas or liquid. His contribution to the field deserves our respect and admiration. He is a prolific scientist, holding 17 patents and authoring three extensive field-defining papers and numerous articles. Long before environmental concerns led to the intensive study of aerosols, Professor Gorbis identified gas/liquid-solid systems as the 5th state of matter. His ideas on the unique properties of gas solid systems continue to influence and direct research throughout the world.

Despite the countless number of hours spent researching, Professor Gorbis still found time for his family. And he rarely passed up an opportunity to dance or play chess. Perhaps as well as anyone else, he has always understood the importance of life's simple treasures. Indeed, his passion for life helped him overcome formidable tribulations that most of us could not possibly imagine, As a teenager, he fled to the Soviet Union after German troops invaded his home and he experienced firsthand the horrors of war. As he grew older, he was never fully trusted because he was a Jew, despite the wide recognition and respect he received for his scientific work. In 1975, he was dismissed from his position and precluded from teaching when his oldest son, Boris, applied to leave the Soviet Union. A year later, he fled to Vilnius, Lithuania, waiting for the day that he could live in freedom and continue his crucial work. The Soviets, however, fervently refused to allow his family to emigrate, and Professor Gorbis spent the next decade in oblivion, measuring noise in elevator shafts while his wife suffered from a crippling bone disease.

In 1987, Professor Gorbis and his family were finally allowed to leave the Soviet Union. He soon settled in southern California with his family, where they flourished and became outstanding citizens. Once again, he was able to contribute to science with selfless devotion. I ask my colleagues to join me in saluting Professor Gorbis for his outstanding achievements. His scientific work and his passion for life inspire us all. We thank Professor Gorbis and wish all the best to him and his family on his 75th birthday.

A VIEWPOINT ON THE SUPREME COURT CASE NY TIMES V. TASINI

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. MCGOVERN. Mr. Speaker, I submit for the RECORD this letter from Marybeth Peters, the Register of Copyrights at the U.S. Office of Copyrights, establishing her position on the U.S. Supreme Court Case, NY Times versus Tasini.

REGISTER OF COPYRIGHTS,
LIBRARY OF CONGRESS,
Washington, DC, February 14, 2001.

Congressman JAMES P. MCGOVERN,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN MCGOVERN: I am responding to your letter requesting my views on New York Times v. Tasini. As you know, the Copyright Office was instrumental in the 1976 revision of the copyright law that created the publishers' privilege at the heart of the case. I believe that the Supreme Court should affirm the decision of the court of appeals.

In Tasini, the court of appeals ruled that newspaper and magazine publishers who publish articles written by freelance authors do not automatically have the right subsequently to include those articles in electronic databases. The publishers, arguing that this ruling will harm the public interest by requiring the withdrawal of such articles from these databases and irreplaceably destroying a portion of our national historic record, successfully petitioned the Supreme Court for a writ of certiorari.

The freelance authors assert that they have a legal right to be paid for their work. I agree that copyright law requires the publishers to secure the authors' permission and compensate them for commercially exploiting their works beyond the scope of section 201(c) of the Copyright Act. And I reject the publishers' protests that recognizing the authors' rights would mean that publishers would have to remove the affected articles from their databases. The issue in Tasini should not be whether the publishers should be enjoined from maintaining their databases of articles intact, but whether authors are entitled to compensation for downstream uses of their works.

The controlling law in this case is 17 U.S.C. §201(c) which governs the relationship between freelance authors and publishers of collective works such as newspapers and magazines. Section 201(c) is a default provision that establishes rights when there is no contract setting out different terms. The pertinent language of §201(c) states that a publisher acquires ''only'' a limited presumptive privilege to reproduce and distribute an author's contribution in ''that particular collective work, any revision of that collective work, and any later collective work in the same series.''

The Supreme Court's interpretation of section 201(c) will have important consequences for authors in the new digital networked environment. For over 20 years, the Copyright Office worked with Congress to undertake a major revision of copyright law, resulting in enactment of the 1976 Copyright Act. That Act included the current language of §201(c), which was finalized in 1965 of interests.

Although, in the words of Barbara Ringer, former Register and a chief architect of the

1976 Act, the Act represented ''a break with the two-hundred-year old tradition that has identified copyright more closely with the publisher than with the author'' and focused more on safeguarding the rights of authors, freelance authors have experienced significant economic loss since its enactment. This is due not only to their unequal bargaining power, but also to the digital revolution that has given publishers opportunities to exploit authors' works in ways barely foreseen in 1976. At one time these authors, who received a flat payment and no royalties or other benefits from the publisher, enjoyed a considerable secondary market. After giving an article to a publisher for use in a particular collective work, an author could sell the same article to a regional publication, another newspaper, or a syndicate. Section 201(c) was intended to limit a publisher's exploitation of freelance authors' works to ensure that authors retained control over subsequent commercial exploitation of their works.

In fact, at the time §201 came into effect, a respected attorney for a major publisher observed that with the passage of §201(c), authors ''are much more able to control publishers' use of their work'' and that the publishers' rights under §201(c) are ''very limited.'' Indeed, he concluded that ''the right to include the contribution in any revision would appear to be of little value to the publisher.'' Kurt Steele, ''Special Report, Ownership of Contributions to Collective Works under the New Copyright Law,'' Legal Briefs for Editors, Publishers, and Writers (McGraw-Hill, July 1978).

In contrast, the interpretation of §201(c) advanced by publishers in Tasini would give them the right to exploit an article on a global scale immediately following its initial publication, and to continue to exploit it indefinitely. Such a result is beyond the scope of the statutory language and was never intended because, in a digital networked environment, it interferes with authors' ability to exploit secondary markets. Acceptance of this interpretation would lead to a significant risk that authors will not be fairly compensated as envisioned by the

THE PUBLIC DISPLAY RIGHT

Section 106 of the Copyright Act, which enumerates the exclusive rights of copyright owners, includes an exclusive right to display their works publicly. Among the other exclusive rights are the rights of reproduction and distribution. The limited privilege in §201(c) does not authorize publishers to display authors' contributions publicly, either in their original collective works or in any subsequent permitted versions. It refers only to ''the privilege of reproducing and distributing the contribution.'' Thus, the plain language of the statute does not permit an interpretation that would permit a publisher to display or authorize the display of the contribution to the public.

The primary claim in Tasini involves the NEXIS database, an online database which gives subscribers access to articles from a vast number of periodicals. That access is obtained by displaying the articles over a computer network to subscribers who view them on computer monitors. NEXIS indisputably involves the public display of the authors' works. The other databases involved in the case, which are distributed on CD–ROMs, also (but not always) involve the public display of the works. Because the industry appears to be moving in the direction of a networked environment, CD–ROM distribution is likely to become a less significant means of disseminating information.

The Copyright Act defines ''display'' of a work as showing a copy of a work either directly or by means of ''any other device or process.'' The databases involved in Tasini clearly involve the display of the authors' works, which are shown to subscribers by means of devices (computers and monitors).

To display a work ''publicly'' is to display ''to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times.'' The NEXIS database permits individual users either to view the authors' works in different places at different times or simultaneously.

This conclusion is supported by the legislative history. The House Judiciary Committee Report at the time §203 was finalized referred to ''sounds or images stored in an information system and capable of being performed or displayed at the initiative of individual members of the public'' as being the type of ''public'' transmission Congress had in mind.

When Congress established the new public display right in the 1976 Act, it was aware that the display of works over information networks could displace traditional means of reproduction and delivery of copies. The 1965 Supplementary Report of the Register of Copyrights, a key part of the legislative history of the 1976 Act, reported on ''the enormous potential importance of showing, rather than distributing copies as a means of disseminating an author's work'' and ''the implications of information storage and retrieval devices; when linked together by communications satellites or other means,'' they ''could eventually provide libraries and individuals throughout the world with access to a single copy of a work by transmission of electronic images.'' It concluded that in certain areas at least, '''exhibition' may take over from 'reproduction' of 'copies' as the means of presenting authors' works to the public.'' The Report also stated that ''in the future, textual or notated works (books, articles, the text of the dialogue and stage directions of a play or pantomime, the notated score of a musical or choreographic composition etc.) may well be given wide public dissemination by exhibition on mass communications devices.''

When Congress followed the Register's advice and created a new display right, it specifically considered and rejected a proposal by publishers to merge the display right with the reproduction right, notwithstanding its recognition that ''in the future electronic images may take the place of printed copies in some situations.'' H.R. Rep. No. 89-2237, at 55 (1966).

Thus, §201(c) cannot be read as permitting publishers to make or authorize the making of public displays of contributions to collective works. Section 201(c) cannot be read as authorizing the conduct at the heart of Tasini.

The publishers in Tasini assert that because the copyright law is ''media-neutral,'' the §201(c) privilege necessarily requires that they be permitted to disseminate the authors' articles in an electronic environment. This focus on the ''media-neutrality'' of the Act is misplaced. Although the Act is in many respects media-neutral, e.g., in its definition of ''copies'' in terms of ''any method now known or later developed'' and in §102's provision that copyright protection subsists in works of authorship fixed in ''any tangible medium of expression,'' the fact remains that the Act enumerates several separate rights of copyright owners, and the public display right is independent of the reproduction and distribution rights. The media-neutral aspects of the Act do not somehow merge the separate exclusive rights of the author.

REVISIONS OF COLLECTIVE WORKS

Although §201(c) provides that publishers may reproduce and distribute a contribution to a collective work in three particular contexts, the publishers claim

Although ''revision'' is not defined in Title 17, both common sense and the dictionary tell us that a database such as NEXIS, which contains every article published in a multitude of periodicals over a long period of time, is not a revision of today's edition of The New York Times or last week's Sports Illustrated, A ''revision'' is ''a revised version'' and to ''revise'' is ''to make a new, amended, improved, or up-to-date version of'' a work. Although NEXIS may contain all of the articles from today's New York Times, they are merged into a vast database of unrelated individual articles. What makes today's edition of a newspaper or magazine or any other collective work a ''work'' under the copyright law—its selection, coordination and arrangement—is destroyed when its contents are disassembled and then merged into a database so gigantic that the original collective work is unrecognizable. As the court of appeals concluded, the resulting database is, at best, a ''new anthology,'' and it was Congress's intent to exclude new anthologies from the scope of the §201(c) privilege. It is far more than a new, amended, improved or up-to-date version of the original collective work.

The legislative history of §201(c) supports this conclusion. It offers, as examples of a revision of a collective work, an evening edition of a newspaper or a later edition of an encyclopedia. These examples retain elements that are consistent and recognizable from the original collective work so that a relationship between the original and the revision is apparent. Unlike NEXIS, they are recognizable as revisions of the originals. But as the Second Circuit noted, all that is left of the original collective works in the databases involved in Tasini are the authors' contributions.

It is clear that the databases involved in Tasini constitute, in the words of the legislative history, ''new,'' ''entirely different'' or ''other'' works. No elements of arrangement or coordination of the pre-existing materials contained in the databases provide evidence of any similarity or relationship to the original collective works to indicate they are revisions. Additionally, the sheer volume of articles from a multitude of publishers of different collective works obliterates the relationship, or selection, of any particular group of articles that were once published together in any original collective work.

REMEDIES

Although the publishers and their supporters have alleged that significant losses in our national historic record will occur if the Second Circuit's opinion is affirmed, an injunction to remove these contributions from electronic databases is by no means a required remedy in Tasini. Recognizing that freelance contributions have been infringed does not necessarily require that electronic databases be dismantled. Certainly future additions to those databases should be authorized, and many publishers had already started obtaining authorization even before the decision in Tasini,

It would be more difficult to obtain permission retroactively for past infringements, but the lack of permission should not require

issuance of an injunction requiring deletion of the authors' articles. I share the concern that such an injunction would have an adverse impact on scholarship and research. However, the Supreme Court, in Campbell versus Acuff-Rose Music, Inc., and other courts have recognized in the past that sometimes a remedy other than injunctive relief is preferable in copyright cases to protect the public interest. Recognizing authors' rights would not require the district court to issue an injunction when the case is remanded to determine a remedy, and I would hope that the Supreme Court will state that the remedy should be limited to a monetary award that would compensate the authors for the publishers' past and continuing unauthorized uses of their works. Ultimately, the Tasini case should be about how the authors should be compensated for the publishers' unauthorized use of their works, and not about whether the publishers must withdraw those works from their databases.

Sincerely,

MARYBETH PETERS,
Register of Copyrights.

HONORING REVEREND WENDY WARD BILLINGSLEA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, I ask that my colleagues join me in extending deep gratitude to The Reverend Wendy Ward Billingslea for her many years of service to St. Thomas Episcopal Parish School and Church.

Mother Wendy has blessed South Florida with her tireless devotion as a preacher, pastoral counselor, and teacher. At St. Thomas Episcopal Parish, where Mother Wendy worked as an associate rector for the last five years, she demonstrated her strong dedication to the children of our community as she instilled within them her passion for academics and for traditional family values. Mother Wendy continues to be a positive role model for all present and former students at St. Thomas Episcopal School and she embodies community leadership as she ministers to a congregation of 1500 members.

The St. Thomas Episcopal family will suffer a great loss with Mother Wendy's departure, but we wish her well on her new calling as the spiritual leader at St. Andrew's Episcopal Church in Greensboro, North Carolina.

Mother Wendy and her family, Art, Lauren, Kristin and Katie, have all played an important role in the life and ministry of St. Thomas.

Mr. Speaker, I ask that my colleagues join me in extending best wishes to Mother Wendy and in thanking her for the many ways in which she has touched the lives of South Floridians.

HONORING THE CONTRIBUTIONS OF ROBERTA CHEFF BROOKS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. LEE. Mr. Speaker, I want to bring to the attention of my colleagues the contributions of a great public servant, Roberta Cheff Brooks, on the occasion of her retirement from service to the House of Representatives and to the constituents of the 9th District of California. On February 21st, after more than 30 years in the United States Congress, Roberta will retire from her position as my District Director in our Oakland District office. She will be greatly missed.

Roberta, a native of Wilmington, Delaware received her Bachelor of Arts from Smith College in 1964. She moved to Berkeley, California in 1967 and became very active in local and anti-war politics.

She began her tenure with the House of Representatives in 1971 by working for my former boss, colleague and friend Congressman Ron Dellums. Roberta served as a liaison between the Berkeley Coalition and the Dellums for Congress campaign in 1970. Following that successful campaign, she was asked to work for the new Congressman Ron Dellums in his district office on constituent affairs.

Roberta was a strong voice in the anti-Vietnam War movement. While she worked hard to serve as an active voice for constituent's of the 9th District, she remained active in local politics through the April Coalition and later through Berkeley Citizens' Action.

Roberta's commitment to her community expanded as she became deeply involved with local boards and organizations, as well as, ad hoc groups that included the following: Oakland Perinatal Project (which was the precursor of the East Bay Perinatal Council) and the Coalition to Fight Infant Mortality. With these affiliations, she helped organize ad hoc hearings on infant mortality, which Congressman Dellums chaired as the Chairman of the D.C. Committee.

Roberta was a cofounder of the California Health Action Coalition which worked diligently on the bill Congressman Dellums introduced calling for a National Health Service. She was also part of a national coalition for a National Health Service and helped organize national groups working in several cities in the country to garner support for the bill.

She helped organize hearings on homelessness which Congressman Dellums chaired in Oakland. She served on the advisory board of Legal Assistance for Seniors for many years. She was also on the Board of the Coalition for the Medical Rights of Women and the Perinatal Health Rights Committee.

Roberta organized hearings chaired by Congressman LANTOS who came at the request of Congressman Dellums to investigate labor and safety issues related to the protracted Summit Hospital strike. The hearings contributed to a resolution of the strike and led to a more responsive board which included additional community members.

Roberta's commitment to "free speech" and community supported radio led her to serve on the local advisory board of KPFA radio for a number of years and on the national Pacifica Board of Directors for nine years.

When the 1993 Base Realignment and Closure Commission slated Oak Knoll Naval Hospital, Alameda Naval Station and Naval Rework facility, as well as, the Public Works Center located at Naval Supply Center, Oakland for closure, Roberta joined Sandre Swanson in establishing the East Bay Conversion and Reinvestment Commission. That Commission then proceeded to help establish the Alameda and Oakland Reuse authorities—public bodies on which Roberta served as an alternate and then later as a principal commissioner. These organizations focused on base conversions and provided oversight on reuse plans to convert the military bases to peacetime operations.

Throughout the base conversion process, Roberta's emphasis remained on the human resources component—job creation for workers; working to establish the homeless collaborative which worked with both reuse authorities to create a process which HUD has described as a model for accommodating the homeless in base closure; working hard with the community advisory groups; and working with public benefit conveyances. Roberta cites this as an extremely important part of her work especially since it was so creative, establishing policies and procedures for base closure. She assisted in developing a way to "sell" the federal worker to private industry, and other important projects.

Roberta has worked closely with all of the community health clinics in the district; Chabot Observatory; the Ed Roberts Campus at Ashby BART station; HIV/AIDS; Cuba; issues related to the elderly; and many others. She served on both Congressman Dellums' and Congresswoman BARBARA LEE'S political advisory boards throughout her career.

Her casework load has focused on Federal Workers compensation; Office of Personnel Management (which was known as the Civil Service Commission), and at other times, Social Security and EEOC. She has served thousands of constituents for Congressman Dellums and Congresswoman BARBARA LEE.

When Congressman Dellums retired in February of 1998, Roberta continued her Congressional career with me in April of that same year. She became my District Director and was the first female District Director in the history of the 9th Congressional District. Every member will attest that having a staff member with the ability to develop expertise quickly and thoroughly on a wide range of issues is extremely valuable. With Roberta on my team, I knew that I was getting the best political advice in order to make competent legislative and policy decisions.

Roberta represented me well on many issues and continued to handle some casework as well as extensive issues related to base closures, health, and homelessness. She helped coordinate a major Housing Summit which was sponsored by the Congressional Black Caucus Foundation in August 2000 which was attended by seventeen members of Congress and more than five hundred people.

Roberta is best known for her sound advice. Ron Dellums has said, "the only reason I did anything was because Roberta Brooks told me

to.'' While her political judgement was always thorough and thoughtful, her message to young people was even more profound.

To young men and women she says, ''work for someone whose politics you share because the work is very intense and it is very important that you believe in what you are doing.'' She tells them that she has been so blessed in her work life to have been able to go to work every day believing in what she is doing, believing she is making a difference and that her work is consistent with her own political beliefs. She says that is the best work a person can have.

Throughout Roberta's career, her professionalism was distinguished with honesty and integrity. I always knew that I could rely on her advice and suggestions because she used her mind, heart and soul in decision making. Because of this, the 9th Congressional District has been served with distinction and with grace. Roberta's forthrightness was appreciated by everyone. I particularly appreciated her tremendous clarity and directness.

Roberta is an American of the finest caliber and this institution will miss her greatly. As Roberta transitions onto new experiences and challenges, we all cheer for her future and success.

HONORING SCHOOL NURSES

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. UDALL of New Mexico. Mr. Speaker, today I share with my colleagues the deep respect and admiration that I have for our nation's school nurses. As you may know, January 6th was National School Nurse Day, and I used that opportunity to extend recognition to those who provide medical care for our children in New Mexico's schools.

As health care professionals, school nurses serve a unique role in our education system. They witness suffering and do their best to calm and help our students. Nurses bring their professional skills to bear, but they also bring their compassion and knowledge to help those at their most vulnerable. I believe that the contribution school nurses make to our students and schools is often overlooked.

Recently, I have been in touch with several school nurses, administrators, and others who have taken the time to inform me about the unique challenges that our rural health care school nurses face. Many of my colleagues would be surprised to learn that many schools in rural New Mexico do not have full-time nurses.

Mr. Speaker, I would like to honor the school nurses that serve McKinley County of my home state. These health care professionals deserved to be recognized for their contributions: Regina Belmont, E.J. Charles, Anna Chavez, Veronica Chavez, Lynne Dennison, Allison Kozeliski, Sara Landavazo, Barbara Lope, Phyllis Lynch, Esther Saucedo, Pam Smith, Camille Quest, and Nancy VanDipien. They have difficult jobs and I want to commend them for their service.

I would also like to recognize Cynthia Greenberg, who is the president of the New Mexico School Nurses Association, for her commitment to our schools and students.

In closing, I want to thank all the school nurses in New Mexico and around the country for their enthusiasm and dedication. I call on my colleagues to join me in thanking them for their valuable work.

CLINTON EXECUTIVE ORDERS CONTINUE TO KILL IDAHO JOBS

HON. C.L. ''BUTCH'' OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. OTTER. Mr. Speaker, yesterday one of the largest and most well known employers in Idaho—Boise Cascade—announced plans to close two lumber mills in the First District of Idaho, located in Cascade and Emmett. As a result, almost 400 of my constituents will lose their jobs. Many of these people have worked in the forest industry all of their lives.

Yesterday, I contacted the CEO of Boise Cascade about this unfortunate turn of events. He advised that the Clinton Administration's last minute executive orders squeezed their supply by shutting off access to thousands of acres of productive forest areas, and prevented any reasonable chance to harvest enough to keep their operations going.

I'm pleased that the Bush Administration has pledged to review these damaging executive orders. But reviewing them may not be enough.

I hope that the Bush Administration is just as aggressive with their use of executive orders as the Clinton Administration—in a way that protects the environment, the forests, and the livelihoods of our Idaho families and rural areas.

TRIBUTE TO MESCAL HORNBECK

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. HINCHEY. Mr. Speaker, while I often have the privilege of congratulating outstanding members of our community, I rarely have the honor of recognizing an individual as distinguished as Mescal Hornbeck. Through her work as nurse, teacher, community leader and town councilperson, Mescal has dedicated her life to helping others.

Mescal was instrumental in the development of the Woodstock Senior Recreation Committee, which continues to provide enjoyment for our senior citizens. Mescal's leadership with Meals on Wheels of Woodstock and the Woodstock Community Center is commendable and reflects her life-long commitment to community service. I am particularly grateful for Mescal's involvement with the Woodstock Chapter of Citizens for Universal Health Care where she is a tireless advocate for health care reform.

I have been fortunate to know and work with Mescal and have always found her to be extremely devoted to improving our community and our country. I am proud to call her my good friend. Mescal Hornbeck is a most deserving honoree and I applaud the creation of Woodstock's ''Mescal Appreciation Day.''

SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2001

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2, The Social Security and Medicare Lockbox Act of 2001, that seeks to amend the Congressional Budget Act of 1974 to prevent the surpluses of the Social Security and Medicare Part A, Federal Hospital Insurance Trust Fund from being used for any purpose other than providing retirement and health security.

Mr. Speaker, during the 106th Congress, the House passed not one, but two, ''lock boxes.'' On May 26, 1999, the House passed H.R. 1259, the ''Social Security and Medicare Safe Deposit Box Act of 1999,'' which set aside just the Social Security surplus, by a vote of 416 to 12 and on June 20, 2000, the House passed H.R. 3859, the ''Social Security and Medicare Safe Deposit Box Act of 2000,'' which set aside both the Social Security and the Medicare surplus, by an even wider margin—420 to 2. Yet, even though neither of those bills became law, we still managed to protect both the Social Security surplus and the Medicare surplus.

Not only is the Republican Leadership covering the same ground by bringing up this bill today, it is also making the same mistakes that it made in the past.

Just as with both ''lock boxes'' from the 106th Congress, the bill before the House today has not been considered by any of the Committees of jurisdiction, thereby denying Members the opportunity to debate and to improve the bill.

Just as with both ''lock boxes'' from the 106th Congress, the bill before the House today does nothing to improve the long-term solvency of either Social Security or Medicare. Certainly, it is critical to ensure that these surpluses are not used to finance a huge tax cut or to fund spending on other programs. However, strengthening Social Security and Medicare requires more than simply protecting the surpluses they already possess. It requires actually adding to those surpluses, but this bill would not add a single dollar to either the Social Security Trust Funds or the Medicare Trust Fund.

Just as with both ''lock boxes'' from the 106th Congress, the bill before the House today will not protect Social Security and Medicare surpluses nearly as stringently as the Republican Leadership would have you believe. Like its predecessors, this vaunted lock box can be ''unlocked'' by any bill that defines itself as either ''Social Security reform legislation'' or ''Medicare reform legislation.'' This means that any bill, including bills to privatize Social Security or Medicare, can use the Social Security and Medicare surpluses as long as it designates itself as ''reform.''

Mr. Speaker, if we have already reached an agreement about the necessity of protecting the Social Security and Medicare surpluses and if there are obvious improvements that could be made to this bill, why is the Republican Leadership rushing this bill through the House?

The answer is obvious. When the Republican Leadership brings the President's tax cut to the House floor later this year, it wants to be able to claim that ''Republicans protected Social Security and Medicare,'' regardless of the price tag for that tax cut and regardless of how much it drained away resources needed for other priorities.

It is one thing to claim that you have protected Social Security and Medicare, but it is quite another to actually do it. Despite the assertions that Republicans make about this bill, the President's tax plan could easily dip into the Social Security and Medicare surpluses. All it would take is for the Rules Committee to waive the points of order contained in this bill.

Indeed, it is not Democrats here in the House who need to be persuaded about setting aside Social Security and Medicare surpluses. Democrats here in the House voted in favor of a Social Security and Medicare lock box in overwhelming numbers in the last Congress and will vote in favor of one again today.

The people who need to be persuaded about setting aside Social Security and Medicare surpluses are Republicans, both in the other body and in the White House.

Mr. Speaker, even President Bush's chief economic advisor, Larry Lindsey, when asked whether the government should dip into the Social Security surplus to make room for tax cuts that he thinks might stimulate the economy, responded: ''It's a question that needs to be asked,'' and OMB Director Mitch Daniels, when asked whether Medicare should get the same protection in terms of its surplus as Social Security, said: ''I don't agree . . . We could allow the concept of a Medicare surplus which exists in Part A, but not en toto, to obscure the need for real reform to which this administration will be committed as a fairly early priority. So for that reason I would be very hesitant to treat those funds in the same way as we do Social Security where I think it's quite in order.''

Furthermore, according to a Wall Street Journal article from February 5, 2001, ''The Bush administration also won't wall off Medicare's current surpluses in a ''lockbox' . . . In fact, Mr. Daniels said he has told his staff not to talk about a Medicare surplus.''

In addition, according to BNA's Daily Report for Executives (February 7, 2001), Senate Majority Leader TRENT LOTT has yet to make a commitment to a Medicare lock-box, suggesting '''We're going to think that through' before deciding whether to back the Medicare lockbox measure . . .''

Mr. Speaker, Democrats strongly support setting aside the Social Security and Medicare surpluses, but we also understand that doing that alone is not enough. Both programs need more resources. Unfortunately, once the President's tax plan moves through Congress, it will likely consume all available budget surpluses.

We can not afford to squander the opportunity that budget surpluses provide. Democrats favor a tax cut, but one that is enacted within a fiscally responsible framework. Tax cuts should leave room for priorities like debt reduction, education, transportation, a bipartisan program for defense, and strengthening Social Security and Medicare, including the addition of coverage for medicines. We can not afford to completely drain budget surpluses to finance an enormous tax cut, instead of using them to address the challenges that the nation faces.

CELEBRATING STUDENT VOLUNTEERS

HON. JIM LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. LANGEVIN. Mr. Speaker, I wish today to congratulate several young students from my district who have achieved national recognition for performing outstanding volunteer service in their communities. Rochelle Cotton of East Greenwich and Michelle Wheelock of North Kingstown have been named as my state's top honorees, and Claire Berman of North Kingstown is a state finalist in the 2001 Prudential Spirit of Community Awards program. This is an annual honor that is conferred on the most impressive student volunteers around the country.

Miss Cotton is a junior at East Greenwich High School and was recognized for founding the Rhode Island Student Alliance. This student-run non-profit organization identifies issues that affect teenagers in the community and attempts to find solutions. Miss Cotton expanded the program to the entire state, personally presenting her idea to the principals of each high school. Representatives from every school in Rhode Island now meet monthly to work on a variety of projects, such as curbing youth violence and creating an advice book for high school freshmen. Miss Cotton is pleased that students can now come together for cooperation rather than competition.

Miss Wheelock is currently in the seventh grade at Wickford Middle School. She was honored for her work with seniors at a local nursing home. Motivated by the opportunity to ''brighten up the day of every resident I met,'' Miss Wheelock never tires of trying to improve the lives of her new friends. Throughout her service with seniors, she always strives to understand what they are going through and listen to their concerns. Miss Wheelock plans to continue volunteering at the nursing home for as long as she can, sharing her happiness with her new friends.

Miss Berman is a junior at North Kingstown High School, who was instrumental in the collection of more than 840 cans of food for the North Kingstown Food Pantry. She accomplished this by organizing a competition where students competed to construct four-foot ''Empire State Buildings'' out of canned goods that were then donated to the pantry.

These three students are examples for all our young people. Given the growing trend of Americans being less involved in community activity than they once were, it is important to encourage the kind of dedicated service shown by these three young women. They are inspiring role models for us all.

Miss Cotton, Miss Wheelock and Miss Berman should be extremely proud to be chosen for this honor out of a group of such motivated volunteers. I would like to honor these young citizens for their initiative in bettering their communities. They are truly extraordinary in their level of commitment, and they deserve the admiration and respect of us all.

Mr. Speaker, I hope you and our colleagues will join me in congratulating these students, along with all of the Prudential Spirit of Community awardees throughout the country.

INTRODUCTION OF THE TEACHER TAX CREDIT ACT

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. SCOTT. Mr. Speaker, I rise today to introduce the bipartisan ''Teacher Tax Credit Act'' which gives a $1,000 tax credit to eligible public school teachers to defray qualified costs for classroom expenses, professional development expenses, and interest paid on certain education loans. A similar bill, S. 225, has been introduced in the Senate by my Virginia colleague Senator JOHN WARNER.

I think that most people would agree that America's teachers did not enter the profession because they thought that the pay would be good. They teach for far more altruistic reasons: to educate our children and make a lasting difference in their lives. I'm sure that every one of us can remember at least one teacher who changed our lives for the better.

Despite the important role that teachers play in our children's lives, elementary and secondary school teachers remain underpaid, overworked, and all too often under-appreciated. Many teachers spend significant amounts of their own money on expenses that improve our children's education, both directly and indirectly. Teachers often spend their own money to buy learning materials for their classrooms such as books, supplies, pens, paper, and even computer equipment. They also have professional development expenses that indirectly benefit our children by insuring that they will be taught by qualified, competent people who know the latest teaching techniques.

All of these expenses benefit students in the classroom either through better classroom materials or through better teachers, and that which benefits America's students benefits all of us. Why do our teachers have to spend their own money on things that benefit all of us? Simply put, because current school budgets are not adequate to meet the costs of educating our children. Our teachers have stepped in to fill the gap with their own money.

Current tax law provides that teachers can deduct some of these expenses. There are several impediments to using this deduction, however, that result in few teachers actually realizing any benefit: teachers must itemize their returns, classroom and professional development deductions have to exceed 2 percent of their incomes, and student loan interest is deductible only for the first 60 months

after graduation and is subject to an income phase-out.

In order to better help teachers defray these costs, I am introducing this bill with my good friend and Virginia colleague, Senator JOHN WARNER, who is the primary sponsor for this legislation in the Senate. Our bill would ensure that qualifying teachers would not have to itemize their deductions or exceed the 2 percent floor to receive the credit. Teachers would not be phased out of the student loan interest benefit based on income level, and there would be no 60 month limitation.

We all agree that our education system must leave no child behind. As we try to achieve this goal through strengthening and reforming our educational system, we must keep in mind their most important component—the teachers.

RECOGNIZING THE 5TH ANNUAL FAST OF REVEREND RONALD I. SCHUPP ON TIBETAN NATIONAL DAY, 2001

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I wish today to inform my colleagues that on March 10, 2001, which is Tibetan National Day, one of my constituents, Reverend Ronald I. Schupp will begin his fifth annual 24-hour fast to call attention to China's occupation of Tibet. Reverend Schupp will be sending a message to the People's Republic of China to free Tibet and allow for displaced Tibetans to return to their homeland.

The 14th Dalai Lama was forced to leave Tibet in 1959 and is still working for a just outcome to China's occupation of Tibet. In 1989, the Dalai Larna was awarded the Nobel Peace Prize for his ongoing efforts to focus attention on this subject.

I respect the efforts of Reverend Schupp and wish him well in his efforts on behalf of the people of Tibet.

181ST ANNIVERSARY OF SUSAN B. ANTHONY

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. DAVIS of Virginia. Mr. Speaker, I would like to bring attention to and commemorate tomorrow's 181st anniversary of the birth of Susan B. Anthony. This anniversary is a good time to remember her lifelong work for women's rights, her opposition to slavery, and work that changed the course of this nation. And it is a good time to remember, or perhaps, recover, another very important aspect of her legacy in promoting equal rights for all. I refer to Susan B. Anthony's pro-life legacy in calling for equal rights for both women and their unborn children.

In fact, Susan B. Anthony considered opposition to abortions as part and parcel of her work to promote women's rights. Anthony branded abortion, ''child murder,'' and believed women turned to it only because of their treatment as second class citizens. She called for ''prevention, not punishment,'' for the abortion problem of her day, and believed the best way to prevent abortion was to promote the dignity and equality of women.

More than a century later, ''prevention, not punishment'' remains a sound strategy for all those who would promote the rights of both women and unborn children.

OSTEOPOROSIS FEDERAL EMPLOYEE HEALTH BENEFITS STANDARDIZATION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. MORELLA. Mr. Speaker, I rise today to introduce the Osteoporosis Federal Employee Health Benefits Standardization Act of 2001. This much needed legislation will provide the same consistency of osteoporosis coverage for our Federal employees and retirees as Congress approved for Medicare in the Balanced Budget Act of 1997.

Instead of a comprehensive national coverage policy, FEHBP leaves it to each of the over 350 participating plans to decide who is eligible to receive a bone mass measurement and what constitutes medical necessity. A survey of the 19 top plans participating in FEHBP indicate that many plans have no specific rules to guide reimbursement and instead cover the tests on a case-by-case basis. Several plans refuse to provide consumers information indicating when the plan covers the test and when it does not. Some plans cover the test only for people who already have osteoporosis. All individuals, whether they work in the public sector or private sector, should have health insurance coverage for osteoporosis screening because this affliction is so widespread but more importantly, because it is preventable when discovered early.

Osteoporosis is a major public health problem affecting 28 million Americans, who either have the disease or are at risk due to low bone mass; eighty percent are women. The disease causes 1.5 million fractures annually at a cost of $13.8 billion ($38 million per day) in direct medical expenses, and osteoporotic fractures cost the Medicare program 3 percent of its overall costs. In their lifetimes, one in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. A woman's risk of a hip fracture is equal to her combined risk of contracting breast, uterine, and ovarian cancer.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass was detected early and treated. We now have drugs that promise to reduce fractures by 50 percent. However, identification of risk factors alone cannot predict how much bone a person has and how strong bone is. Experts estimate that without bone density tests, up to 40 percent of women with low bone mass could be missed.

It Is my hope that by making bone mass measurements available under the FEHBP, we can minimize the deleterious effects of osteoporosis and improve the lives of our Federal employees and retirees.

AMERICAN HEART MONTH

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. TIERNEY. Mr. Speaker, I join my colleagues in recognizing February as American Heart Month and in commending the 22.5 million volunteers and supporters committed to combating heart disease. Clearly, all citizens should ''Be Prepared for Cardiac Emergencies. Know the signs of cardiac arrest. Call 9–1–1 immediately. Give CPR.''

Paralysis, weakness, decreased sensation, numbness, tingling, decreased vision, slurred speech or the inability to speak, loss of memory and physical coordination, difficulty swallowing, lack of bladder control, mental capacity declines, mood changes, dysfunctional, uncontrollable, and unpredictable movement, shortness or loss of breath, fainting, and fatigue are all signs associated with cardiac arrest.

Immediate response to signs of cardiac arrest is imperative as seconds and minutes make the difference between life, the quality of life, and death. Every 29 seconds, someone in America suffers a heart attack, and every 60 seconds someone dies as a result of the same. While we have the luxury of emergency ambulatory responses as a result of 9–1–1, if we act while waiting on trained professionals to arrive, we can make a meaningful difference. For this reason, we should all encourage broader knowledge of CPR.

As medical professionals have said, when the heart is under attack, blood is not flowing to parts of the body, such as the brain, that solely rely on it for functioning, and permanent damage to the brain can occur if blood flow is not restored within four minutes. As a result, if life is sustained, the quality of life may be significantly diminished as irreversible harm often takes place. I am hopeful that those who have regular contact with loved ones at risk will be trained in CPR.

I applaud the American Heart Association and other organizations nationwide that educate and train all of us to be properly prepared for cardiac arrest by providing education that informs us about the causes and signs of heart disease and the skills necessary to react to these unfortunate episodes when they occur. Also, I thank my colleagues for pausing to recognize these organizations for their ongoing efforts in this vital area.

IN SUPPORT OF THE LAW ENFORCEMENT OFFICERS' HEALTH ACT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. STUPAK. Mr. Speaker, today I am introducing the Law Enforcement Officers' Health

Act to encourage all states to adopt a practice that has served Michigan's citizens and law enforcement officers well.

If a law enforcement officer in Michigan develops heart disease or a lung disorder, he or she is entitled to the presumption for the purposes of the workers' compensation system that the illness is an occupational disease. This recognition of the stressful nature of law enforcement work is also reflected in the workers' compensation systems of thirteen other states (California, Florida, Hawaii, Illinois, Iowa, Kansas, Kentucky, Maryland, Nebraska, Nevada, North Dakota, Ohio and Virginia).

There are several reasons for states to grant this presumption to law enforcement officers who suffer from heart or lung problems.

With such a policy, states and municipalities are spared the administrative burden and cost of extended hearings and proceedings to determine whether or not such illnesses and disabilities are work related.

In addition to the expense, these proceedings frequently become adversarial, unnecessarily creating tension between the employer and employee and ultimately affecting the delivery of public safety services.

Finally—and perhaps most importantly to the law enforcement officer involved—the administrative process delays the treatments for which he or she will eventually be qualified.

Since heart diseases and lung disorders are almost always deemed to be occupational diseases as a result of the administrative process, the proceedings simply waste time and money.

The Law Enforcement Officers' Health Act does not impose a new federal mandate on states or otherwise interfere with states' rights. Instead, it would require states to adopt this policy in order to receive the full amount for which it is eligible under the Justice Department's Local Law Enforcement Block Grant Program. The award will be reduced by 10 percent if the state fails to adopt this presumption. A similar reduction with regard to a state's policy on health benefits for officers injured on the job has been in the law for several years.

The provisions of this legislation will not become effective until eighteen months after enactment so that an affected state will have adequate time to amend its laws or modify its regulations.

I have recently had the pleasure of working with the leadership of the International Union of Police Associations, AFL–CIO, in developing this legislation to ensure that all law enforcement officers receive the same health protections that their fellow officers in my state of Michigan enjoy. I particularly want to recognize Sam Cabral, International President, and Dennis Slocumb, Executive Vice President, for their dedication to this cause.

Mr. Speaker, I urge my colleagues to join me in sponsoring this legislation.

JAMES J. McGRATH—DEDICATED LAW ENFORCEMENT OFFICER

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, it is an honor for me to bring to the attention of my colleagues the distinguished career of one of my constituents, James J. McGrath of Ansonia, Connecticut.

Mr. McGrath recently retired from his post as Ansonia Police Chief, a position he held for 19 years. During that time, he presided over the Ansonia police force with integrity, professionalism, and a passionate sense of duty. Chief McGrath ended his career as the State of Connecticut's oldest police chief—and one of its most respected.

He is truly an institution in the city of Ansonia. Born and raised in the city's Derby Hill section, he graduated from Ansonia High School in 1943. Like all residents of this close-knit community, Chief McGrath has developed deep bonds with the community—bonds that will continue to deepen as Ansonia gives him thanks for his years of service.

Chief McGrath began his life of public service during World War II. From 1943–1947 he served in the United States Navy, defending our country as a member of the Submarine Service. After returning to civilian life and graduating college, he began a thirty year career as a Connecticut State Police Officer—where he achieved the rank of Captain. He began his tenure as Ansonia's police chief in 1981, and then held that position for nearly two decades.

Chief James J. McGrath has devoted his life to protecting the well-being of others. He worked tirelessly to ensure that Ansonia was a safe place to live and work for its families, children, and senior citizens. In fact, his dedication was such that during his 19 years as police chief, he never took a single sick day. I know that I speak for all Ansonia residents in saying that the city is deeply appreciative of his work and his leadership.

Perhaps there is no better way to illustrate Chief McGrath's commitment to public safety than to refer to his own words: ''I'm as concerned about the welfare of the people of Ansonia as I am of my own family.''

Mr. Speaker, Chief James J. McGrath deserves wide recognition for his lifelong dedication to law enforcement. I ask my colleagues to join me in congratulating this outstanding public servant, and to extend our best wishes as he embarks upon a well-deserved retirement.

GOLDEN TRIANGLE ENERGY COALITION PLANT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GRAVES. Mr. Speaker, I rise today to congratulate the farmers-members of the Golden Triangle Energy Cooperative on the imminent success of the new ethanol plant in Craig, Missouri. The new plant will add value to members' agricultural commodities through efficient processing and bring renewed economic opportunity to Northwest Missouri. I am honored to have the Golden Triangle Energy Cooperative in my district.

On Saturday, February 17, 2001, we will celebrate the grand opening of the Golden Triangle Energy Coalition Plant. This plant will process 6 million bushels of corn each year, producing 15 million gallons of ethanol. This plant will not only benefit farmers, but also the environment and our consumers across the nation.

I am pleased that farmers in Northwest Missouri are making a positive impact on their rural community by expanding value-added markets, such as ethanol. In the past 10 years, more than 20 farmer-owned cooperatives were constructed nationwide. Today farmer-owned ethanol production facilities are responsible for one third of all U.S. ethanol production.

Farmers in Northwest Missouri are positioned to meet the nation's ethanol needs. Ethanol produced in Craig, Missouri will be sold across the country as a high-octane fuel bringing improved automobile performance to drivers while reducing air pollution. It is a clean-burning, renewable, domestically produced product. The new plant in Craig will create jobs and provide value-added markets to bolster agriculture and our rural economy.

Again, I congratulate and commend the farmer-owners of the Golden Triangle Coalition on the opening of the nation's newest ethanol plant. I look forward to working with them in the future.

HONORING ANTHONY F. COLE

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. LEACH. Mr. Speaker, I rise today to extol the virtues and lament the retirement of Anthony F. ''Tony'' Cole after more than 25 years of federal service.

A scholar and a gentleman, Tony graduated Phi Beta Kappa from the College of William and Mary, earned a Masters in history from Rutgers, and his law degree from the Marshall-Wythe School of Law at William and Mary.

In 1975 Tony joined the staff of the Board of Governors of the Federal Reserve System, where he served as Deputy General Counsel of the Depository Institutions Deregulation Committee and later as Special Assistant to the Board as its liaison with Congress.

Leaving these real jobs, Tony came to the Hill in 1986 to serve first as Minority Counsel and then as Minority Staff Director for the House Committee on Banking, Housing and Urban Affairs.

During my tenure as Chairman of the House Committee on Banking and Financial Services, from January 1995 to the end of last year, Tony was the Staff Director for the Committee.

Tony's fine hand may be seen in all of the major legislation the Committee considered

over the past 15 years, from the reform of the savings and loan industry (FIRREA), to the financial modernization bill (Gramm-Leach-Bliley), to debt relief for the poorest countries in the world.

As my colleagues know, the job of a committee staff director is one of the most demanding on Capitol Hill. It requires assuaging the easily bruised egos of the Members, administering a multimillion dollar budget, managing a 50-member professional and support staff, and coordinating with leadership. All this must be accomplished while having at one's finger tips an encyclopedic knowledge of both current statute and the legislative process.

Nobody did it better than Tony.

A consummate professional, Tony was respected by both sides of the aisle and revered by the staff he led by precept and example. A person of grace and good humor, he gave of himself unstintingly to this institution and in so doing to serving the people of the United States.

The House needs the likes of Tony Cole and he will be sorely missed.

It is with profound gratitude that I wish Tony all the best in a well-deserved retirement.

DEFENSE FUNDING

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. McCARTHY of New York. Mr. Speaker, throughout our nation's history, our armed forces fought bravely to preserve and protect the liberties we cherish. As of late, we have done much to recognize the accomplishments of the generation that fought the Second World War, and rightly so. But we should not forget the equally impressive job our military forces are doing today. They faced down aggression in Iraq; restored democracy in Haiti; and ended ethnic cleansing in the former Yugoslavia. In short, they have much to be proud of

However, we are faced with some serious concerns. This increase in deployments and operations occurred during a time of military downsizing. It is clear to many we cannot, in good faith, ask our forces to be engaged around the world when they are stretched so thinly.

We have no choice but to embrace this opportunity and demonstrate our commitment to our military personnel. In this time of peace and budget surpluses, we must prepare for the threats that loom in the not-too-distant future by modernizing our military forces and investing in programs to recruit and retain quality military personnel.

We have done a great deal to ensure that our military forces are the best in the world, but the world is changing before our eyes—we need to do more. As we move though the budget process, let us show our support for these brave men and women by passing a responsible defense budget.

THE WAGE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. PAUL. Mr. Speaker, I rise to introduce the Workers Access to Accountable Governance in Employment (WAGE) Act. This bill takes a first step toward restoring the rights of freedom of association and equal protection under the law to millions of American workers who are currently denied these rights by federal law.

The WAGE Act simply gives workers the same rights to hold decertification elections as they have to hold certification elections. Currently, while workers in this country are given the right to organize and have union certification elections each year, provided that 30 percent or more of the workforce wish to have them, workers are not given an equal right to have a decertification election, even if the same requirements are met.

As a result of the National Labor Relations Board (NLRB) created contract-bar rule, if 30 percent or more of a bargaining unit wants to hold an election to decertify a union as their representative, they are prohibited from doing so unless the contract is in at least its third year.

In other words, it does not matter whether or not workers want to continue to have the union as their representative. It does not matter whether or not the union represents the will of the workers. It does not even matter if the majority of the current workforce voted for union representation. They must accept that representation.

Mr. Speaker, this is absurd. The lowest criminal in this country has the right to change their representative in the courtroom. Yet millions of hardworking, law-abiding citizens cannot change their representation in the workplace.

As a result of the passage of the National Labor Relations Act (NLRA) in 1935 and the action taken by the federally-funded NLRB, workers can be forced to pay union dues or fees for unwanted representation as a condition of employment. Federal law may even force workers to accept union representation against the will of the majority of workers.

Talk about taxation without representation! Mr. Speaker, the WAGE Act takes a step toward returning a freedom to workers that they never should have lost in the first place: the right to choose their own representative. I urge my colleagues to support the nonpartisan, proworker WAGE Act.

IN RECOGNITION OF THE 80TH ANNIVERSARY OF THE MOUNT WASHINGTON AMERICAN LEGION POST 484

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the outstanding contributions of the Mount Washington American Legion Post 484, which celebrated its 80th anniversary on January 21, 2001.

The American Legion was chartered by Congress in 1919 as a patriotic, mutual-help, war-time veterans organization. The Mount Washington American Legion Post 484 opened its chapter 80 years ago, and, since then, it has carried out its mission—to defend and teach the principles of democracy; to uphold the law of the land; to foster patriotism; to venerate, serve and support our veterans; to instill a sense of obligation to the community, state and nation; and to guard the rights and freedoms provided to us by the Constitution.

Post 484 has made a remarkable difference in the Cincinnati community by helping to improve the quality of life for our veterans and for others in the Second Congressional District of Ohio. Post 484 currently has about 400 members, many of whom have dedicated their time at Veterans Administration Hospital and Hospice volunteer programs. Its service also includes: volunteer work in our local schools; donations of blood to the Red Cross; environmental protection and crime prevention programs; and fundraising for crisis intervention and family support programs. Post 484 also has raised funds for the Americanism Youth Conference; the Spirit of Youth Fund; flag etiquette and citizenship programs; the Girl Scouts and Boy Scouts of America; and anti-substance abuse, child safety as well as literacy programs.

Mr. Speaker, the Mount Washington American Legion Post 484 reminds us that one of the best ways to help individuals and communities is through the hard work and dedication of our local volunteers. These volunteers, who have courageously defended our country, have exhibited an unrelenting service to our country. I hope my colleagues will join me in congratulating Post 484 and its members on 80 years of superb service to the Cincinnati area and to our nation.

IN RECOGNITION OF CHARLES E. CRIST

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. POMEROY. Mr. Speaker, I rise today to recognize Charles E. Crist. I have had the pleasure of working with Chuck for the past five years in his position as Deputy for Program and Project Management with the St. Paul District of the Corps of Engineers. Quite simply put, he is one of the finest public servants I have had the opportunity to work with.

Throughout his time with the St. Paul District, Chuck has stood out as an individual who could tackle complex, sensitive water resource issues. He is a man of great integrity, with a deep commitment to the issues he works on. His contributions to the Corps are numerous, but one that will always be recognized is his efforts to make the Corps a truly responsive agency to the needs of the communities it serves.

During the devastating flood of 1997, Chuck worked to coordinate emergency response

measures in Grand Forks, North Dakota and all along the Red River. In the aftermath of the flood, Chuck assembled a team within the Corps to design plans for a permanent flood control project for Grand Forks. He was instrumental in leading efforts to expedite the development of the project reports needed to secure authorization. Without the quick, creative work of Chuck and his team within the Corps, we would have missed a critical window to secure congressional authorization. In recognition of this work, the team received the U.S. Army Corps of Engineers Outstanding Planning Achievement Award for Planning Team of the Year. Thanks to Chuck's dedicated efforts, Grand Forks is now getting the protection it so desperately needs.

In addition to his work in Grand Forks, Chuck has also led efforts to address the ongoing flooding in the Devils Lake Basin. His work has been critical to protecting the future of a town that has experienced eight years of continual flooding. All throughout this process, he has been able to balance a wide range of issues while implementing workable solutions. No matter what the challenge, Chuck has always been able to meet or exceed it.

Chuck's friendly demeanor and genuine sympathetic nature have made him a trusted public servant. He has been wholeheartedly committed to working with North Dakota communities through difficult water problems and challenges. Through tough and daunting times, he has always maintained a level of optimism that has gone unmatched. There is no doubt that North Dakota has been well-served under his leadership.

Above all, Chuck is a valued friend and partner. Chuck will be missed for his personality, remembered for his professionalism, and honored for the positive change he brought to the Corps. After a distinguished career that has spanned more than 32 years, I want to thank Chuck for his service to the Corps and the State of North Dakota. I wish him all the best in his retirement.

INTRODUCTION OF THE FOREIGN TRUCK SAFETY ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to introduce a bill that I believe is paramount to keeping our highways and byways safe. The Foreign Truck Safety Act would mandate that all foreign trucks at our southern border be inspected if they have not passed inspection in the previous twelve months. This is necessary because last week a North American Free Trade Agreement (NAFTA) dispute panel ruled that our southern border with Mexico should be opened to unfettered cross-border trucking. The new Bush administration also stated they would abide by that ruling and open the border.

This ruling means that Mexican trucks, trucks that fail 35 percent of inspections across the border zone, and 50 percent of inspections in Texas, would be free to roam all throughout the United States. Since NAFTA went into effect in 1994, these trucks have been able to cross into a small NAFTA border zone. The border was scheduled to have been fully opened in December 1995, but due to real safety concerns and the high rate of failed inspections of Mexican trucks, the border was kept closed by the Clinton Administration.

The highly respected and non-political U.S. DOT Office of Inspector General (IG) concluded in a November 1999 report that ''Adequate mechanisms are not in place to control access of Mexico-domiciled motor carriers into the United States.'' In a December 1998 report the IG stated, ''We concluded that far too few trucks are being inspected at the U.S.-Mexico border, and that too few trucks comply with U.S. standards.'' And it has not gotten better since: in 2000 35 percent of Mexican trucks that were inspected were put out of service for significant safety violations. And what's discouraging is that less than two percent of Mexican trucks were inspected.

In addition, since NAFTA was signed in 1993, Mexico has known that it would have to harmonize its trucking laws and regulations with the U.S. and Canada (whose trucks have as good a safety record as U.S. trucks), and yet it has failed to do so. For example, the Land Transportation Standards Subcommittee (LTSS) was created by NAFTA to harmonize transportation standards and regulations by the year 2000. However, even though we are in 2001, Mexico does not have vehicle maintenance standards, roadside inspections, safety rating systems, a drug and alcohol testing program, or hours of service regulations. And Mexico has just started the process of mandating logbooks for record keeping, while the U.S. DOT is in the process of upgrading logbooks to electronic record keeping. Most importantly, Mexico allows trucks upwards of 100,000 pounds on its highways, while the U.S. limit is 80,000 pounds.

Without an adequate inspection system at the border, it is just a matter of time before 100,000 pound, unsafe trucks with drivers who haven't slept in days are driving straight into a tragedy on one of our highways. That's why the Foreign Truck Safety Act is necessary. In addition to mandating the inspection of foreign trucks, the bill would authorize the border states to impose and collect fees on trucks to cover the cost of these inspections. By requiring all trucks to pass inspections before entering the United States, we can help to limit the risks these unsafe trucks pose to our citizens. This country entered into NAFTA in order to better the lives of our citizens. I urge all of my colleagues to cosponsor and help me pass this legislation, because without it, we will simply put our citizens in more jeopardy. Thank you.

COMMEMORATIVE STAMP FOR AVA GARDNER

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today to introduce a concurrent resolution recommending that the U.S. Postal Service issue a commemorative postage stamp for Johnston County's favorite daughter and one of America's most accomplished actresses, Ava Gardner.

Having grown up in Johnston County myself, I am proud to introduce this legislation in Ava Gardner's memory, not only because she is a famous North Carolinian; but because she touched the lives of thousands around the globe.

Despite her superstar status, Ava Gardner never forgot her humble Johnston County roots. She was born the youngest of seven children of Jonas and Mary Elizabeth Gardner in 1922 and grew up near Smithfield. When she was 13 her family moved to Newport News, Virginia, only to return to North Carolina where she attended high school in the Rock Ridge community and studied at Atlantic Christian College, which is now Barton College, in Wilson.

In the summer of 1941 the Smithfield Herald told the story of Ava Gardner's trip across country to a place called Hollywood. When she arrived there, it didn't take long for the whole world to recognize what the people of Smithfield and all of North Carolina already saw—Ava's remarkable talent. During her career, she starred in 64 films and won many honors including:

A Golden Globe nomination for ''Best Actress in a Drama'' for ''Night of the Iguana'' in 1964;

The Academy of Motion Pictures ''Merit for Outstanding Achievement—Best Actress'' nomination for ''Mogambo'' in 1953;

And the Look ''Film Achievement'' award for her performance in ''The Hucksters'' in 1947.

She was also the first woman from North Carolina to grace the cover of Time magazine. Indeed, Ava Gardner's story is the American Dream.

In addition to her success on the silver screen, Ava was a leader in the fight against cancer and worked tirelessly for more funding for research. She was also a patriot and was recognized by the U.S. Armed Forces for her spirit of public service and her performance as a guest star on the Armed Forces radio network's production of ''Victorious Lady.''

Ava Gardner was one of America's most accomplished actresses in the 20th century. She led the Hollywood golden age, shared the stage with Clark Gable, Burt Lancaster, and Grace Kelly. She served as a goodwill ambassador to people around the globe and graciously dedicated her fame to the fight against cancer.

Mr. Speaker, Ava Gardner's legacy lives on through her movies and the wonderful Ava Gardner Museum in Smithfield, North Carolina. Being commemorated on a postage stamp is a high honor reserved for remarkable people, places, and even cartoon characters. Surely, someone as glamorous and accomplished as Ava Gardner deserves her own stamp too.

CHILD PASSENGER PROTECTION EDUCATION GRANTS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. OBERSTAR. Mr. Speaker, this week is National Child Passenger Safety Week. This national observance reminds parents and caregivers of the importance of buckling up children correctly on every ride. According to the National Highway Traffic Safety Administration, in 1999, motor vehicle crashes killed more than 1,400 children (infants to age 14) and injured another 300,000. Six out of 10 children killed in these crashes were completely unrestrained. This is simply unacceptable.

Today, I introduce a bill to continue for fiscal years 2002 and 2003 the Child Passenger Protection Education Grant program authorized by Section 2003(b) of the Transportation Equity Act for the 21st Century (TEA 21). The bill authorizes $7.5 million for each of fiscal years 2002 and 2003 for the Secretary of Transportation to make incentive grants to states to encourage the implementation of child passenger protection programs in those states. Current authorizations for the Child Passenger Protection Education Grant program expire at the end of fiscal year 2001, whereas authorizations for virtually all other TEA 21 programs expire at the end of fiscal year 2003.

To increase seat belt use nationwide, the previous Administration established goals to reduce the number of child occupant fatalities 15 percent by 2000 and 25 percent by 2005. The Child Passenger Protection Education Grant program has played an important role in helping the Department meet the first of these goals. Since 1997, the number of child fatalities resulting from traffic crashes has declined 17 percent, exceeding the goal of 15 percent by 2000. Restraint use for infants has risen to 97 percent from 85 percent in 1996, and has climbed to 91 percent for children aged one to four, up from 60 percent in 1996.

Under my bill, a state may use its grant funds to implement programs that are designed to:

Prevent deaths and injuries to children;

Educate the public concerning all aspects of the proper installation of child restraints, appropriate child restraint design, selection, and placement, and harness threading and harness adjustment on child restraints; and

Train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

A state may carry out its child passenger protection education activities through a state program or through grants to political subdivisions of the state or to an appropriate private entity. Each state that receives a grant must submit a report that describes the program activities carried out with the funds made available under the grant. Not later than June 1, 2002, the Secretary of Transportation shall report to Congress on the implementation of the program, including a description of the programs carried out and materials developed and distributed by the states that receive grants under the program.

In each of fiscal years 2000 and 2001, the Transportation Appropriations Act provided $7.5 million to finance the Child Passenger Protection Education Grant program. It is essential that we continue to provide funding for the Child Passenger Protection Education Grant program to ensure that we make progress in preventing deaths and injuries to children on the nation's highways, and achieve our goal of a 25 percent reduction in child occupant fatalities by 2005.

INTRODUCTION OF THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. STARK. Mr. Speaker, I am proud to introduce the "Gift of Life Congressional Medal Act of 2001." This legislation creates a commemorative medal to honor organ donors and their survivors. Senator Frist, a heart and lung transplant surgeon himself, is introducing companion legislation in the Senate.

There is a serious shortage of available and suitable organ donors. Nearly 75,000 people are currently waiting for an organ transplant, and every 14 minutes a new name is added to the list. Because of low donor rates, over 6,000 people died in 1999 for lack of a suitable organ. Incentive programs and public education are critical to maintaining and increasing the number of organs donated each year.

We are very happy to hear that Secretary Thompson has made this a priority issue that he plans to address during his first 100 days as Secretary. He has promised to mount "a national campaign to raise awareness of organ donation", and to "do more to recognize families who donate organs of a loved one." The Gift of Life Congressional Medal Act is a great opportunity for us to work with Secretary Thompson to draw attention to this life-saving issue. It sends a clear message that donating one's organs is a self-less act that should receive the profound respect of the Nation.

The legislation allows the Health and Human Service's Organ Procurement Organization (OPO) and the Organ Procurement and Transplantation Network (OPTN) to establish a nonprofit fund to design, produce, and distribute a Congressional Medal of Honor for organ donors or their family members. Enactment of this legislation would have no cost to the Federal Government. The Treasury Department would provide an initial loan to OPTN for start-up purposes, which would be fully repaid. From then on, the program would be self-sufficient through charitable donations. The donor or family member would have the option of receiving the Congressional Gift of Life Medal. Families would also be able to request that a Member of Congress, state or local official, or community leader award the medal to the donor or donor's survivors.

Physicians can now transplant kidneys, lungs, pancreas, liver, and heart with considerable success. The demand for organs will continue to grow with the improvement of medical technologies. According to the United Network for Organ Sharing (UNOS), an average of 9,600 donations was made per year between 1995 and 1999. Without expanded efforts to increase the supply of organ donation, the supply of suitable organs will continue to lag behind the need.

This is non-controversial, non-partisan legislation to increase organ donation. I ask my colleagues to help bring an end to transplant waiting lists and recognize the enormous faith and courage displayed by organ donors and their families. This bill honors these brave acts, while publicizing the critical need for increased organ donations.

HONORING LONNELL COOPER

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. FROST. Mr. Speaker, I rise today to honor Lonnell Cooper, a retired sergeant with the Fort Worth Police Department and tremendous public servant who has served our community for half a century.

Throughout his life and career, Sgt. Cooper has been a stellar law enforcement officer and a trailblazer. He was a leader in breaking down the color barrier as one of the first six African Americans accepted to the Fort Worth Police Department. He also organized the department's first Explorer post.

Among the many honors bestowed on Sgt. Cooper throughout his distinguished career are Fort Worth Officer of the Year of the department's Service Division, he was designated an Outstanding Law Enforcement Officer by the State of Texas and a Pioneer in Criminal Justice by the U.S. Congress. The Mayor of Fort Worth even designated a "Sgt. Lonnell E. Cooper Day" in the city.

This Sunday, February 18, the New Rising Star Baptist Church is paying much deserved tribute to Sgt. Cooper for his lifetime of service to our community. I want to join with his family and many friends in thanking Sgt. Lonnell E. Cooper for all that he has done to make our community safer and a better place to live.

INTRODUCTION OF THE McKINNEY-VENTO HOMELESS EDUCATION ACT OF 2001

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce the "McKinney-Vento Homeless Education Act of 2001." This legislation builds upon legislation I introduced during the last Congress, numbered H.R. 2888, to improve educational opportunities for homeless children.

As my colleagues will recall, a majority of H.R. 2888 was incorporated into H.R. 2, the Students Results Act, which overwhelmingly

passed the House in October of 1999. I am hopeful that this year's version of the legislation will garner the same kind of bipartisan support as did the last bill and ultimately will find its way into law.

Mr. Speaker, I think you would agree that being homeless should not mean foregoing an education. Yet, that is what homelessness means for far too many of America's children and youth today.

Even with our healthy economy, estimates are that one million kids will experience homelessness this year. Due to red tape, lack of information, and bureaucratic delays, some homeless children are missing school or are being turned away at the schoolhouse door and, as a result, losing out on the chance for a better life.

Studies show that as a result of these problems, some 45 percent of homeless children do not attend school on a regular basis. In addition, homeless children are twice as likely to repeat a grade and have four times the rate of delayed development.

Congress recognized the importance of school to homeless children by establishing the Stewart B. McKinney Education of Homeless Children and Youth program. This program is designed to remove barriers that prevent or make it hard for homeless youth to enroll, attend and succeed in school. And, for many homeless children, it may make the difference between success in the classroom and failure in life.

Yet today, more than a decade after the passage of that important program, inadequacies in the federal law inadvertently are acting as barriers to the education of homeless children. We must act to strengthen these weak areas, and we must act now.

This Congress has the rare chance to review, redefine, and improve our federal education policies. Not since 1994, when programs under the Elementary and Secondary Education Act (ESEA) were last authorized, has Congress had a similar opportunity to examine K through 12 education in total.

I believe it is incumbent for Members from both sides of the aisle and in both chambers to take advantage of this unique opportunity to renew our commitment to homeless children. As the 107th Congress rushes forward to reauthorize our federal K–12 education programs, we must pause long enough to ensure that all homeless children are guaranteed access to a public education, so that they acquire the skills needed to escape poverty and lead productive lives. In doing so, we will be meeting America's commitment to, as President Bush has clearly stated, leaving no child behind.

Mr. Speaker, the following is what the McKinney-Vento Homeless Education Act does. The bill:

One: ensures that homeless children are immediately enrolled in school. This means that no homeless child will be prevented for days or weeks from walking through the school doors because of delayed paperwork or other bureaucracy;

Two: limits the disruption of education by requiring schools to make every effort to keep homeless children in the school they attended before becoming homeless, unless it is against their parents wishes. This provision ensures that homeless children are not unwillingly ripped away from their friends and environments where they are comfortable learning;

Three: keeps homeless students in school while disputes are being resolved. Homeless children often spend weeks or even months out of school while enrollment disputes remain unresolved. This legislation addresses this serious problem by creating a mechanism to quickly and fairly resolve such disputes, ensuring that the enrollment process burdens neither the school nor the child's education;

Four: requires local school districts to select a contact person to identify, enroll and provide resource information and resolve disputes relating to homeless students. Because many schools don't currently have a point of contact for homeless students, these children frequently go unseen and unserved;

Five: strengthens the quality and collection of data on homeless students at the federal level. This is particularly crucial, as the lack of a uniform method of data collection has resulted in unreliable information and the likely underreporting of the numbers of homeless students;

Six: prohibits federal funding from being used to segregate homeless students. Despite McKinney Act requirements to remove enrollment barriers and to integrate homeless students into the mainstream school environment, some school districts continue to segregate these children into separate schools or

Seven: increases accountability by providing States with greater flexibility to use authorized funds to provide technical support to local school districts in order to bring them into compliance with the Act;

Eight and finally: assists overlooked and underserved homeless children and youth by raising the program's authorized funding level to $90 million in FY2002 and reauthorizing the program for another five years.

Mr. Speaker, a majority of these provisions are derived from the Illinois Education for Homeless Children State Act, which many consider to be a model for the rest of the Nation. These provisions also are a reflection of the best ideas of some of America's most dedicated people—homeless advocates, educators, and experts at the US Department of Education.

Like many of my colleagues here in the House, I am a strong supporter of local control of education. I believe the McKinney-Vento Homeless Education Act of 2001 meets this principle while making the best use of limited federal resources.

Regrettably, homelessness is and will likely be for the immediate future a part of our society. However, being homeless should not limit a homeless child's opportunity to receive what every child in America is entitled—a free and quality public education. I urge my colleagues on both sides of the aisle to support this much-needed and timely bill.

In closing, let me take a moment to thank Illinois State Representative Mary Lou Cowlishaw, as well Sister Rose Marie Lorentzen and Diane Nilan with the Hesed House in Aurora, Illinois for bringing this issue to my attention and for their years of tireless, and often unrecognized, work on behalf of the homeless.

I also want to thank Barbara Duffield with the National Coalition for the Homeless for her help in putting together this bill and my colleagues Representative DOUG OSE of California and CHAKA FATTAH of Pennsylvania for being original cosponsors.

RECOGNIZING THE ACCOMPLISHMENTS OF THE SERVICE CORPS OF RETIRED EXECUTIVES

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BILIRAKIS. Mr. Speaker, I would like to take this opportunity to recognize the accomplishments of SCORE, the Service Corps of Retired Executives. SCORE is a prototypical model for a nonprofit, non-governmental association that melds American expertise and entrepreneurial spirit with a uniquely American tradition of service and esprit de corps. SCORE utilizes the talents of current and retired American business executives, a talent pool that many consider to be among the finest business minds in the world, to provide volunteer business consulting service to the small business community. SCORE provides these services free of charge thanks to the efforts of its tireless volunteers.

Founded in 1964, there are currently 389 locally based chapters of the organization that provide business counseling at the community level. SCORE currently has over 11,000 volunteers and since its inception, has helped nearly four million business people throughout the nation with free advice. SCORE success stories run the gamut of the business world and include technology oriented companies, retail establishments, restaurants, and service providers, just to name a few. President Bush has repeatedly pointed out that community based organizations such as SCORE can provide an invaluable service to the nation without relying on government bureaucracy and expenditures of taxpayer dollars.

I salute the volunteers of the Service Corps of Retired Executives and hope that they serve as a model for a new generation of Americans dedicated to excellence with a commitment to service.

HONORING THE LIFE OF SAMUEL H. DAY, JR.

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to Sam Day, Jr., a tireless advocate for peace and justice. Sam Day's efforts to preserve our planet from nuclear destruction have been recognized not only in our home community of Madison, Wisconsin, but across the country and around the world.

I first heard of Sam Day long before I ever had the honor of meeting him. It was back in the late 70s. In high school, I studied Sam's legal, ethical, and moral case against the U.S.

government and his steadfast support for the First Amendment; his unyielding respect for our Constitution. As editor of ''The Progressive'' Magazine, Sam Day agreed to publish ''The H-Bomb Secret: How We Got It, Why We're Telling It.'' The federal government tried to prevent publication of that article, bringing suit against the magazine in a case that upheld our right to free speech. By publishing that article, Sam taught us much more than how to build a bomb. His efforts taught us about the right of a citizen to question his or her government . . . a radical notion whether you're seventeen or seventy. And he taught us the obligation of every human being to actively oppose nuclear annihilation, no matter what the personal toll. These are lessons that I carry with me every day into the Halls of Congress.

Sam's commitment to social change was unwavering; his mission the same whether challenging the government of the United States on its nuclear policies or challenging our local bus company on policies that adversely affected people with disabilities—to protect and preserve humanity in the face of everything from outright aggression to insensitive indifference. He remained, until the very end, a self-proclaimed, ''Old Codger for Peace.'' Our nation has lost a powerful voice of conscience. I ask the Congress today to recognize the life of Sam Day, Jr., an indefatigable fighter for peace, and to continue, through our own words and deeds, his lifelong pursuit of justice.

INTRODUCTION OF THE MIDDLE INCOME HEATING ASSISTANCE ACT OF 2001

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. RUSH. Mr. Speaker, today I rise to introduce the Middle Income Home Heating Assistance Act of 2001 (MIHHAA).

In the face of this winter's natural gas crisis, there has been a great deal of discussion nationwide, about raising the LIHEAP 150% poverty level eligibility cutoff. While LIHEAP funding and eligibility limits must be increased to protect the increasing number of people who desperately need assistance, the tremendous cost associated with such legislation, must be supported by other legislative initiatives designed to accomplish similar assistive goals.

Consider the statistics in Illinois alone. In Illinois, when the eligibility cutoff was 125% of poverty level, LIHEAP covered 633 thousand households. At the current eligibility cutoff of 150% of the poverty level, 740 thousand households will be covered. If raised to 175%, as some have proposed, close to 1.4 million households will be covered. This would more than double the number of homes currently covered, and would according to State officials, result in an additional $130 million in administrative costs.

Instead of altering LIHEAP, my bill would pick up where LIHEAP leaves off. The importance of relief for those earning just above the 150% poverty rate is especially clear in a year when many individuals have received increases in Social Security benefits, and have been pushed just beyond the cutoff.

My bill does the following: where a taxpayer, in any given year, pays an average of 50% more per therm, over the average per therm cost for the previous three years, she is entitled to a refundable tax credit. The maximum credit, which is phased out from the 150 to 300% poverty level, is $500. Under this bill, a family of four, with an annual income of $25,575 would be entitled to a $500 credit. The phase-out, for a family of four would end at one with an income of $51,150.

While we must find solutions to the United States' energy problems, we in Congress must also attend to the consequential costs which those problems levy against the average consumer. The Middle Income Home Heating Assistance Act of 2001 focuses on the middle income consumer, and ensures some relief in years where current law offers none.

CHARITY TO ELIMINATE POVERTY TAX CREDIT ACT OF 2001

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. KOLBE. Mr. Speaker, we are introducing today—Valentine's Day—the Charity To Eliminate Poverty Tax Credit Act of 2001. This legislation is a Valentine's present for all the families and people who are struggling every day to survive. I am talking about our nation's poor.

We are a wealthy nation. The federal government should reward people for trying to help raise the standard of living of those living in poverty.

This bill would give every American the option of sending $100 to an organization that primarily assists the poor instead of sending the money to the IRS.

When you fill out your tax forms this year, wouldn't you like the opportunity to redirect $100 of your money that is headed to the federal bureaucracy and give it directly to an organization that is helping raise the standard of living of some of America's poorest citizens?

The Charity To Eliminate Poverty Tax Credit Act of 2001 allows a tax credit up to $100 ($200 if filing a joint return) for charitable contributions to tax-exempt organizations that help people whose annual income is under 150 percent of the official poverty level. Currently, that level is $12,525 annually for an individual and $25,575 for a family of four.

The legislation also acknowledges the impact that inflation can have on the ''real'' dollars that people may give to charity so we have indexed the tax credit amount to inflation.

Another important provision requires an organization to spend at least 70 percent of its money on helping the poor in order to qualify. Only a maximum of 30 percent of the charitable organization's budget can be spent on administrative expenses, expenses to influence legislation, fundraising activities, and litigation costs, among others. We want the charitable contribution to go to the poor, not to increase an administrator's salary.

President Bush's tax proposal touches on this objective by suggesting that a charitable tax deduction be allowed for people who do not itemize their deductions. The President also has encouraged the States to provide a charitable tax credit. In my State of Arizona, we are already allowed to take a $200 charitable tax credit. This legislation goes one step further by offering the credit at the federal level.

Private charities succeed because they are community driven and stress personal responsibility. These local food banks and shelters become personally involved in helping change lives. I believe a better way to help the poor is through local organizations that are designed, implemented, and staffed by residents of the neighborhoods they serve.

Also, the tax credit will put more money on the table for programs that help the poor and create a more competitive atmosphere. Each organization will be overseen and judged, not by Washington, DC, but by the community and the people giving the money to the charitable organization. This will in turn improve services to the poor.

Hopefully, we will all agree to give a Valentine's gift to our nation's poor by enacting this anti-poverty relief tax credit—the Charity To Eliminate Poverty Tax Credit Act of 2001.

FIRE SAFETY AT THE LIBRARY OF CONGRESS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. NEY. Mr. Speaker, the Committee on House Administration has received a report from the Office of Compliance on its fire-safety investigation of the Library of Congress buildings. A similar report on fire safety in the Congressional Office Buildings was presented to the Committee in January of 2000.

The Office of Compliance report identified numerous deficiencies in Library fire safety and noted that while some conditions have already been corrected, others may require additional time and resources. After carefully considering the report, I, along with the Committee's ranking member, Mr. HOYER, have written to the Architect of the Capitol to determine what remedial measures will be implemented and the timetable for addressing each of the deficiencies raised in the report. I am committed to working with the Architect and the Librarian to make the Library buildings as safe as possible for the many public patrons, employees, Congressional staff, and Members who work in or visit the Library.

Twice in the Library's history, in 1812 and 1851, significant parts of its collections were decimated by fire. It is my hope that with the technology and expertise at our disposal, history will not repeat itself.

HONORING SERGEANT KYLE THOMAS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GARY MILLER of California. Mr. Speaker, I congratulate Sergeant Kyle Thomas, of the Orange County California Sheriff's Department, upon his retirement.

Sergeant Thomas began his career in law enforcement in 1958 when he joined the Alameda County Probation Department. He worked there until volunteering to serve in the United States Army in 1962. A distinguished veteran, Sergeant Thomas was an M.P. in Korea. After being honorably discharged, Sergeant Thomas was hired by the North Orange County Marshal's Department in 1966. Only three short months after being hired, Sergeant Thomas was promoted to Deputy II and assigned to Civil Field Services. For 15 years, Sergeant Thomas worked as a Civil Deputy, handling all types of enforcement duties.

In January of 1981, he was promoted to the rank of Sergeant. As a Sergeant, his responsibilities have spanned all aspects of North Orange County's operations. Because of his vast knowledge of civil procedure, Sergeant Thomas has become the Department's resident civil expert.

Sergeant Thomas is also an active leader in our community. He is a member of the Latino Peace Officers Association and served as their First Vice President for five years. He has been an active representative for the Association of Deputy Marshal's of Orange County and the State Marshal's Association.

In addition to his professional leadership, Sergeant Thomas also takes the time to keep local youth on a winning path. Since 1969, he has volunteered his services to teach Judo and wrestling at the Anaheim YMCA. He has also volunteered as an Orange Youth Soccer League trainer and currently coaches Judo at the Gemini Judo Club in Yorba Linda.

A resident of Placentia, California, Sergeant Thomas' retirement will bring more time with his wife of 38 years, Virginia, his two children, and three grandchildren.

Sergeant Thomas' exemplary career in law enforcement distinguishes him as a true American hero, worthy of this Congress' praise and gratitude.

RECOGNIZING JANE KRATOCHVIL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. SHIMKUS. Mr. Speaker, today I recognize an admirable citizen from the great state of Illinois, Jane Kratochvil. As President Bush releases his Education Plan, "No Child Left Behind," and sets up his Faith Based Liaison Office in the White House that will encourage volunteer work as part of a multi-pronged approach to addressing social challenges, I wanted to take this opportunity to draw your attention to Ms. Kratochvil who is a shining example of selfless volunteerism.

Mr. Speaker, in addition to a very demanding full time job, Ms. Kratochvil spends her unpaid free time working with a program called "The School First Foundation." This non-profit organization helps underserved K–12 schools gain access to technology and teaching resources that serve to improve their learning environment. As part of this program, Jane works extensively in the Chicago inner-city area and travels on occasion to help in the difficult Roxbury district of Boston.

Jane's efforts are commendable. Not only is she touching the lives of the many underprivileged boys and girls she is teaching directly, but her organization is helping to identify and advance educational content that improves learning performance, so in essence, she is helping more students improve their minds and lives than we could ever quantify.

I want to extend my deepest thanks to Jane Kratochvil and all others like her. It is through volunteers like Jane that we will be successful in ensuring that all children receive a quality education and a fair shot at a successful life.

THE TENNESSEE STATE UNIVERSITY ALUMNI ASSOCIATION'S MIDWEST REGIONAL CONFERENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. KUCINICH. Mr. Speaker, today I recognize the Tennessee State University Alumni Association. Since its inception in 1923, it has provided guidance and scholarships to alumni both nationally and in the Northeast Ohio region.

The many local chapters of the alumni association have become pillars of our community, often sponsoring soup kitchens and mentoring programs in their neighborhoods. The Tennessee State University Alumni Association has worked tirelessly to help foster a sense of dignity and honor in the young people of their communities.

Countless children have been able to further their education and their futures because of the opportunity to attend college provided by Tennessee State University alunmi support. The scholarships which the alunmi association sponsors help to mold the lives of youths who might not otherwise have the resources necessary to attend such a fine institution. The intrinsic role that the alumni association has played in the lives of these young people is noteworthy.

The theme of this conference, "Don't Forget The Bridge That Brought You Across . . . Then and Now" gives us reason to reflect upon the many opportunities which we were blessed with throughout our lives. As children, we were all confronted with many challenges, and it is important to remember the people who helped us overcome those hurdles and have allowed us to succeed. The theme of this conference should inspire us to continue to contribute to our communities, to allow us to continue to provide opportunities for our youth, and to strengthen the social fabric of our society.

My fellow colleagues, please join me in honoring the Tennessee State University Alunmi Association.

A BILL TO REPEAL SECTION 809, WHICH TAXES POLICYHOLDER DIVIDENDS OF MUTUAL LIFE INSURANCE COMPANIES, AND TO REPEAL SECTION 815, WHICH APPLIES TO POLICYHOLDER SURPLUS ACCOUNTS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Massachusetts, Mr. NEAL, together with a number of our colleagues in introducing our bill, "The Life Insurance Tax Simplification Act of 2001." The bill repeals two sections of the Internal Revenue Code which no longer serve valid tax policy goals. Except for the effective date, the bill is identical to the one we introduced in the 106th Congress.

Congress has taken a major step forward in rewriting the regulatory structure of the financial services industry in the United States. This realignment is already having a positive impact on the way life insurance companies serve their customers, conduct their operations and merge their businesses to achieve greater market efficiencies. Unfortunately, the tax code contains several provisions which no longer represent valid tax policy goals, and in fact are carry-overs from the old tax and regulatory regimes that separated the life insurance industry from the rest of the financial world and differentiated between the stock and mutual segments of the life insurance industry. Today, the lines of competition are not between the stock and mutual segments of the life insurance industry. Rather, life insurers must compete in an aggressive, fast moving global financial services marketplace contrary to the premises underlying these old, outmoded tax rules.

In 1984 Congress enacted Section 809, which imposed an additional tax on mutual life insurers to guarantee that stock life insurers would not be competitively disadvantaged by what was then thought to be the dominant segment of the industry. Section 809 operates by taxing some of the dividends that mutual life insurers pay to their policyholders. When Section 809 was enacted, mutual life insurers held more than half the assets of U.S. life insurance companies. It is estimated that within a few years, life insurers operating as mutual companies are expected to constitute less than ten percent of the industry.

The tax is based on a bizarre formula under which the tax of each mutual life insurer increases if the earnings of its large stock company competitors rise—even when a mutual company's earnings fall. The provision has been criticized by the Treasury Department and others as fundamentally flawed in concept. The original rationale behind the enactment of Section 809 no longer exists. Accordingly, the bill would repeal Section 809.

Section 815 was added to the Code as part of the 1959 changes to the life insurance companies tax structure. Before 1959, life insurance companies were taxed only on their investment income. Underwriting (premium) income was not taxed, and underwriting expenses were not deductible. The change provided that all life insurance companies paid tax on investment income not set aside for policyholders and on one-half of their underwriting income. The other half of underwriting income for stock companies was not taxed unless it was distributed to shareholders (so-called ''policyholders surplus account or PSA''). The 1959 tax structure sought to tax the proper amount of income of stock and mutual companies alike and the PSA mechanism helped implement that goal.

In 1984, Congress rewrote the rules again. Both stock and mutual companies were subjected to tax on all their investment and underwriting income. In this context, dividend deductions for mutuals were limited under Section 809, and the tax exclusion for a portion of stock company's underwriting income was discontinued. Congress made a decision not to tax the amount excluded between 1959 and 1984. Rather the amounts are only taxed if one of the specific events described in the current Section 815 occurs (principally dissolution of the company).

The bill would repeal the obsolete Section 815 provision. Since 1984, the Federal government has collected relatively small amounts of revenue with respect to PSAs as companies avoid the specific events which trigger PSAs taxation. There is not a ''fund'', ''reserve,'' ''provision'' or ''allocation'' on a life insurance company's books to pay PSA taxes because, under generally accepted accounting principles, neither the government nor taxpayers have ever believed that significant amounts of tax would be triggered. Nevertheless, the continued existence of the PSAs does result in a burden on the companies in today's changing financial services world—a burden based on bookkeeping entries made from sixteen to forty-one years ago to comply with Congress' then vision of how segments of the life insurance industry should be taxed. In addition, the prior Administration made proposals to require that PSA balances be taxed, even though no triggering event has taken place—thus creating additional uncertainty.

The repeal of these two provisions, Sections 809 and 815, would provide certainty, less complexity, and remove two provisions from the Internal Revenue Code, which no longer serve a valid tax policy goal in the life insurance tax structure of the Internal Revenue Code. We urge our colleagues to join us in cosponsoring this legislation.

TRIBUTE TO SHERIFF MICHAEL GAGE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BARCIA. Mr. Speaker, today I pay tribute to Sheriff Michael Gage upon his retirement as Huron County's top law enforcement official. During his decade-long tenure, Sheriff Gage pioneered community policing long before the term became common-place. As a police officer, as a father, as a devoted member of his church and contributor to his community, Michael Gage serves as a model for others to emulate.

Mike's strength of character, deep sense of duty and judiciousness earned him a well-deserved reputation for principled leadership within the Sheriff's Department and his community. His service was marked by a keen understanding that the law's reach must be guided by a firm but measured hand that takes into account individual and unique circumstances, as well as one's duty to strictly enforce the law.

While never swaying from his duty, Michael Gage also refused to shrink from offering compassion to those in need. During his time and after his time as Sheriff, Mike demonstrate a continuing commitment to helping those who found themselves on the wrong side of the law. In recent years, Mike has maintained correspondence with numerous former inmates and attempts to keep them on the right path by lending a willing ear and a responsive heart.

In his work and in his life, Michael Gage has lived out his faith in ways which have made a real difference for his family and his community. Mike has been thoroughly devoted to Carol, his wife of 34 years, and their three children, and their family has also reached out across international borders in hosting 17 exchange students in 20 years.

Finally, Mr. Speaker, I am proud that my friend's decision to turn in his badge will not mean a retreat from the dedicated service to his fellow citizens that has been the benchmark of his storied career. In fact, Mike is wasting no time in continuing his public service with his recent election to the Huron County Board of Commissioners. I know the board will welcome the addition of his significant knowledge, skills and experience as they work for the future of Huron County.

I ask my colleagues to join me in expressing gratitude to Sheriff Gage for his outstanding service and wish him continued success in serving the needs of Huron County.

SOCIAL SECURITY AND MEDICARE LOCK BOX ACT OF 2001

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. RILEY. Mr. Speaker, protecting America's retirement must be of the highest order. H.R. 2 is extraordinarily important for guaranteeing a secure retirement for Americans. Our Government must never revert back to raiding the Social Security trust fund.

We have a moral obligation to not allow the Medicare or Social Security surpluses to be carelessly squandered. All funds that are originally designated for Medicare or Social Security must stay there, regardless of a surplus or not. This legislation mandates that no Social Security or Medicare surpluses can be used for any other purpose other than debt reduction or Social Security and Medicare reform legislation. The creation of a ''lockbox'' for these funds, I believe, is essential for maintaining the current status of Social Security benefits and for protecting the future retirees in our country.

Every American citizen has been promised a secure retirement and access to health care in their twilight years, and as representatives of these citizens, we not only have a professional duty, but a moral obligation to keep that promise. The Social Security and Medicare LockBox Act will guarantee that these funds will be out of the reach of wasteful government spending and kept secure for today's beneficiaries and future retirees.

I urge my colleagues to join me today in support of the Social Security and Medicare Lockbox Act.

RECOGNIZING AMERICAN HEART MONTH

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BACA. Mr. Speaker, on Valentine's day, a time of celebration of our loved ones, we should take a moment to recognize American Heart Month, established by the Congress in 1963. This February the American Heart Association's 22.5 million volunteers and supporters are joining together with the message that we can combat heart disease.

I worked on this issue in California, authoring a bill to fight against heart disease, and standing with the American Heart Association on this important issue.

Cardiovascular disease, including heart attack and stroke, is America's No. 1 killer and a leading cause of permanent disability. An American dies from cardiovascular disease every 33 seconds. Nearly 61 million Americans suffer from cardiovascular diseases. Cardiovascular diseases kill nearly I million Americans every year—about 41% of deaths in the U.S. If cardiovascular diseases were eliminated, life expectancy would rise by almost 7 years. Cardiovascular disease, will cost Americans an estimated $300 billion in medical expenses and lost productivity in 2001.

Coronary heart disease (including heart attack and crushing chest pain) is the single largest killer of all Americans. Every 29 seconds someone suffers a heart attack and every 60 seconds someone dies. This year, more than I million Americans will suffer a heart attack. More than 40% of these victims will die.

This tragic illness affects women, too. Heart disease, stroke and other cardiovascular diseases actually kill more American women than men. Cardiovascular diseases, including heart disease and stroke, remain the No. I killer of American females. More than 500,000 die each year. Cardiovascular diseases kill more females each year than the next 14 causes of death combined. Heart disease kills five and a half times as many American women as breast cancer. Stroke kills more than twice as many women as breast cancer. Cardiovascular diseases kill almost twice as many American females as all forms of cancer.

The American Heart Association and other organizations are working relentlessly to reduce the burden—both physical and economic—that heart disease places on Americans of all walks of life. This tragic illness affects the lives of almost all Americans in some way. We can win the fight against this devastating disease with the support of every man, woman, and child in our nation. We can save a life, if we are prepared for cardiac emergencies. We should know the signs. Call 9–1–1 immediately. Give CPR.

Unfortunately, too many Americans are not aware of the heart attack warning signs. The warning signs include uncomfortable pressure, fullness, squeezing or pain in the center of the chest lasting more than a few minutes; pain spreading to the shoulders, arm or neck; chest discomfort with lightheadedness, fainting, sweating, nausea or shortness of breath.

Together we can save a life. We will fight and win against this illness.

IN RECOGNITION OF THE RETIREMENT OF CHARLES T. HARRIS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. MORAN of Virginia. Mr. Speaker, today I pay tribute to Charles T. Harris—one of our Federal Government's finest public servants and a long time resident of the Commonwealth of Virginia. This March he will retire from an exceptionally distinguished career of service to his country. He has served our nation both in uniform and as a career civil servant for over 38 years. He has been an exceptional leader and manager of the nation's treasure and his efforts have materially strengthened our national defense. It gives me pride to have the opportunity to honor him today for his tremendous accomplishments.

Mr. Harris began his career in public service in the summer of 1962 when he entered the Corps of Cadets at the United States Military Academy at West Point, New York. After graduation, he served ten years on active duty including two tours of duty with the U.S. Army in Vietnam, first as a platoon leader and then as a company commander. After leaving the Army, Mr. Harris began his civilian career in the Department of the Army as a supervisory budget analyst responsible for the Army's logistics programs. In 1985, Mr. Harris began work in the Office of the Under Secretary of Defense (Comptroller), where since 1988 he has served in the Senior Executive Service in various leadership roles, including: Associate Director for Air Force Operations, Deputy Director of the Revolving Funds Directorate, Deputy Director and then Director for Operations and Personnel.

Mr. Harris' professionalism and significant contributions have been recognized by every administration he has served. Among his many awards, he has received the Outstanding Department of the Army Civilian Award (the PACE Award), the Presidential Rank Award for Meritorious Service, and most recently, the Department of Defense Distinguished Civilian Service Award, the highest award granted to civilian employees in DoD.

Through his civilian career as a financial manager, Mr. Harris has steadily and continuously accumulated a comprehensive knowledge of the workings of the Federal budget process particularly as it pertains to financing the nation's military forces. Year after year, Mr. Harris has succeeded in transforming the administration's defense priorities into a clear, defensible and compelling, articulation of the resource requirements necessary to execute the nation's peacetime and wartime military operations. In his role as Director of the Operations and Personnel Directorate, he is directly responsible for fully 65 percent of the Department of Defense annual budget. He has become an acknowledged expert on Military Readiness, Recruiting and Retention, Quality of Life, Contingency Operations, Military Healthcare, Training and Education.

Mr. Harris is an imaginative leader and exceptional manager who inspires his people to produce work of the highest quality. Throughout his career he has repeatedly sought out opportunities to materially improve the ways in which the Department of Defense allocates its resources to effectively execute the National Military Strategy. By actively working with stakeholders in the Congress and throughout the Department of Defense he has successfully streamlined and rationalized the submission of budget justification materials so that they are both more timely and more useful to decision makers.

Senior leaders, both in the Congress and in the Department of Defense have benefitted enormously from his unsurpassed experience, wisdom and clarity. His efforts have enabled our nation's leaders to make the most effective use of defense resources to ensure America's military strength in the twenty-first century. Mr. Harris is retiring from a career of exemplary merit and has earned the profound respect of a grateful nation. On behalf of my colleagues, I thank him for his service to our country and wish him well on his retirement.

INTRODUCTION OF THE CALIFORNIA RECLAIMED WATER ACT FOR THE 21ST CENTURY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I am proud to introduce the California Reclaimed Water Act for the 21st Century. I introduced almost identical legislation in the 106th Congress (H.R. 5555).

The dry winter we are experiencing in California should be a reminder that water shortages and drought are quite normal in our State. I strongly believe that investment in reclaimed water technology—water recycling—can help us "drought-proof" many of our community water supplies in California.

Projects that recycle water result in a net increase in available local water supplies and can decrease the need for water that must be supplied and often imported from other sources. Because wastewater for recycling is available even when other water supplies are diminished, recycled water can assist in providing a long-term, reliable, local source of water even during droughts.

Our farmers, urban dwellers, sport and commercial fishing interests, tribes, mountain communities and environmentalists all seek a more reliable and a more certain water future. Recycled water plays an important part in meeting California's water needs today and will play an even more important role in the next several decades.

About 3 percent of the water supply in the San Francisco Bay Area is now recycled. Water managers hope that eventually as much as 40 percent of the water will be recycled, perhaps as much as 500,000 acre-feet per year. California cities need planning help and financial assistance to find markets for the recycled water, and to construct the treatment and conveyance facilities needed to get the treated water to identified markets.

Recycled water can be used for irrigation of golf courses, parks, school lands, business campuses, and highway medians, and for groundwater recharge, wetlands development; and industrial purposes. We have to start thinking about recycled water as a critical component of the water supply picture in California.

Californians and government agencies have recently affirmed their support for water recycling, first with the passage of the California water bond last year, and more recently with the approval of the CALFED water agreement which broadly sets a course for California's water future. Water recycling and reuse is a major element of both these new actions and policies.

The Federal government's support for water recycling was initially authorized in the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992. The Bureau of Reclamation's so-called "Title XVI" program originally approved financial assistance for planning, design and construction of four water recycling projects in California. More projects were approved in 1996.

The legislation I introduce today builds upon these Congressional efforts, voter ballot initiatives and agency studies.

The bill authorizes a series of new Title XVI water recycling projects and directs the Secretary of the Interior to work with various water districts throughout the State on water recycling activities. Specific projects included in the bill are: Castaic Lake Water Agency; Clear Lake Basin Water Reuse Project; San Ramon Valley Recycled Water Project; Inland Empire Regional Water Recycling Project; San Pablo Baylands Water Reuse Project in Sonoma, Napa, Marin and Solano Counties; State of California Water Recycling Program; Regional Brine Lines (salt removal) in Southern California and in the San Francisco Bay and the Santa Clara Valley areas; Lower Chino Dairy Area Desalination Demonstration and Reclamation Project; and the West Basin Comprehensive Desalination Demonstration Program.

These projects will have the capacity to produce hundreds of thousands of acre-feet of useable water. Each acre-foot of recycled water produced by these projects will reduce the demand in California for imported water from the Bay-Delta and the Colorado River.

Unlike traditional Bureau of Reclamation water projects, these water recycling projects

require a majority of funds to be locally provided. Consistent with Title XVI limitations on recycling projects as authorized in 1992 and 1996, the projects proposed in my bill require 75 percent local funding. Federal cost sharing is limited to 25 percent. Moreover, this bill specifies that none of the funds can be used for annual operation and maintenance costs. Those annual expenses are the responsibility of the local water districts or management agency.

I strongly believe that water recycling will continue to play an important and growing role in total water management strategies to provide a safe and sustainable water supply in California and in many other parts of the country. The water recycling projects authorized by the legislation I am introducing today are part of a long-term solution to some of California's most difficult challenges. Water recycling is not the only solution. But, water recycling and water reuse can play a significant part as these projects can be designed, built, and placed in service within a short time.

BAN THE USE OF THE INTERNET TO OBTAIN OR DISPOSE OF A FIREARM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. MINK of Hawaii. Mr. Speaker, today I re-introduce a bill to ban the use of the internet to obtain or dispose of a firearm.

Internet technology has brought our world closer together. It has made our lives more convenient by having almost anything we want available at our fingertips, literally, by the click of a button. We can purchase items from groceries, a brand new car, or even a semi-automatic weapon from a private seller via the internet.

The Gun Control Act of 1968 was enacted for the purpose of keeping firearms out of the hands of those not legally entitled to possess them because of age, criminal background, or incompetence.

To curb the illegal use of firearms and enforce the Federal firearms laws, the Bureau of Alcohol, Tobacco, and Firearms (ATF) issues firearms licenses and conducts firearms licensee qualification and compliance inspections.

Use of the internet to dispose or obtain a firearm would bypass these Federal licensing requirements, as well as background checks and waiting periods. Compliance inspections to help identify and apprehend criminals who illegally purchase firearms would also be avoided.

Criminals having access are not all that we should be concerned about. Our children now have universal access to the internet—almost every classroom and many homes have been installed with and public libraries have at least one computer terminal with a modem. Our children must be protected from the ease the internet provides in obtaining firearms.

It may be difficult to track internet firearm purchases due to numerous security precautions available. Terrible damage may already have been done by the time the unlicensed purchaser and/or seller is detected.

We have an obligation to do all we can to keep our communities safe. This bill will help prevent such weapons from getting into the wrong hands.

I urge my colleagues to support this legislation.

INTRODUCTION OF LEGISLATION TO APPLY THE LOOK-THRU RULES FOR PURPOSES OF THE FOREIGN TAX CREDIT LIMITATION TO DIVIDENDS FROM FOREIGN CORPORATIONS NOT CONTROLLED BY A DOMESTIC CORPORATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am joined by Representative BOB MATSUI in the Introduction of legislation to clarify a provision of our tax code that is needlessly hindering U.S. businesses' ability to efficiently operate in overseas markets.

In some countries, U.S. investors face significant business, legal and political obstacles that prevent them from acquiring a controlling interest in a foreign company. This occurs in particular when the local government has a share in the foreign venture, the industry is heavily regulated (financial services, utilities, and oil and gas exploration, for example), or other business factors necessitate that the U.S. investor hold a minority interest. Consequently, U.S. companies must operate in these foreign countries through corporate joint ventures, many times in partnership with local businesses. U.S. international tax rules, however, tend to discourage corporate joint venture activity, even when these foreign laws require that U.S. companies take minority ownership interest in cooperative arrangements with local companies in order to do business.

In particular, the so-called "10/50 foreign tax credit rules" impose a separate foreign tax credit limitation for each corporate joint venture in which a U.S. company owns at least 10 percent but not more than 50 percent of the stock of the foreign entity.

The 10/50 regime is bad tax policy because it increases the cost of doing business for U.S. companies operating abroad by singling out income earned through a specific type of corporate business for separate foreign tax credit "basket" treatment. This provision inevitably prevents U.S. companies from fully using these tax credits, and thus subjects them to double taxation. Moreover, the current rules impose an unreasonable level of complexity, especially for companies with many foreign corporate joint ventures.

The 1997 Tax Relief Act partially corrected this inequity by eliminating separate baskets for 10/50 companies. Unfortunately, the 1997 act did not make the change effective for such dividends unless they were received after the year 2003. It further complicated the Tax Code by requiring two sets of rules—one from earnings and profits (E&P) generated before the year 2003 and one for dividends from E&P accumulated after the year 2002.

My legislation will greatly simplify the U.S. tax treatment for U.S. companies subjected to these 10/50 foreign tax credit rules. This bill will accelerate from 2003 to this year the repeal of the separate foreign tax credit basket for these companies. In doing so, so-called "look-thru treatment" will allow them to aggregate income from all such ventures according to the type of earnings from which the dividends are paid, thus conforming the treatment of this joint venture income to other income earned overseas by the U.S. companies. The proposal also ensures that pre-effective date foreign tax credits that are being carried forward also receive this look-thru treatment. Without such a rule, these tax credits will expire, a result that never was intended.

In 1999, the House of Representatives and the Senate passed the "Taxpayer Refund and Relief Act of 1999." Although former President Clinton vetoed that particular bill, his administration recommended this legislative proposal in its next budget proposal. Consequently, I am confident that this bill will have strong bipartisan support.

I urge my colleagues to join me in cosponsoring this important legislation.

HONORING CHAIRMAN ARTHUR LEVITT

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. OXLEY. Mr. Speaker, last week marked the end of the Honorable Arthur Levitt's tenure as the longest-serving Chairman in the history of the United States Securities and Exchange Commission. Arthur has been a good friend of mine for quite some time. More importantly, over the past eight years, he has been a leader in preserving the integrity of our capital markets and protecting America's investors.

I have worked closely with Arthur during his entire tenure on a number of major initiatives, especially the past few years in my capacity as chairman of the former House Commerce Subcommittee on Finance and Hazardous Materials.

Chairman Levitt leaves the Commission with an enviable record of accomplishment. He worked tirelessly to achieve his top priority of protecting investors, conducting more than 40 investor town meetings across the country, listening and responding to their concerns.

He played an important role in the recent financial services debates. The financial modernization legislation—known as the Gramm-Leach-Bliley Act—was enacted after decades of futility. It was, in part, the product of Chairman Levitt's hard work and support.

Persuading the nation's stock exchanges to convert to decimal pricing took some prodding from the Commission and Congress, but I am pleased to report that America's investors are already benefiting from the narrower spreads that I envisioned when I introduced the Common Cents Stock Pricing Act of 1997. Chairman Levitt deserves a great deal of credit for helping implement this historic reform.

He played an integral role in passage of the National Securities Markets Improvement Act, which modernized the relationship between state and federal securities regulators and eliminated costly and duplicative state regulation of national securities offerings. More recently, his work on the Commodity Futures Modernization Act, helped us pass historic legislation to provide legal certainty to the trillion-dollar derivatives industry.

Finally, the SEC, under Mr. Levitt's direction, has taken important steps in creating a regulatory framework that embraces new technology and promotes competition.

In closing, Mr. Speaker, let me say that Arthur Levitt is a man of great integrity who has served his nation admirably. He is the quintessential public servant. The American people are better off for his tenure.

HONORING ISADORE TEMKIN ON HIS 80TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I today join the many friends and family members of my dear friend, Isadore Temkin, in extending my warmest wishes as he celebrates his 80th birthday. Throughout his life, he has been an outstanding leader in his community, always demonstrating a deep commitment to public service.

Issie, along with his wife Zena, has been actively involved in Connecticut's political arena for over forty-five years. Many of Connecticut's elected officials have benefitted from his support including former Governor Ella T. Grasso, former Senator Abraham Ribicoff, current Senator CHRISTOPHER DODD and myself. His invaluable friendship is a tremendous gift we have all cherished.

In the many years that I have known Is, I have continually been in awe of the incredible commitment he has to his hometown of Torrington, Connecticut. Though he has never held a public office, there are few that have had a greater impact on this community. For sixty years, he has been at the forefront of every major issue that has faced this eclectic New England city. With an enduring need to enrich this small community, Is was instrumental in the founding of two of the City's most famous treasures. Under the direction of former Parks and Recreation Supervisor Carl Bozenski and Is, the magical charm of Bozenski's Christmas Village came to life. A Christmas tradition for fifty years, this charming village is open only during the month of December offering children a chance to visit with Santa and explore his workshop, complete with elves and live reindeer. As one of the original founders of the Nutmeg Ballet, he helped to bring the love of arts to Litchfield County. Internationally recognized for dance training for twenty years, the Nutmeg also offers instruction in music and drama. Both Christmas Village and the Nutmeg Ballet have become Connecticut landmarks, much in part to Is Temkin's efforts.

Throughout his professional career, Is has practiced dentistry in the Torrington community and is continuing to do so today. Serving as a member of the Connecticut State Dental Commission, the regulatory board for dentistry, he ensured that residents received proper care from dentists practicing in Connecticut. Keeping true to his endless efforts to improve his community, he opened a clinic in memory of his brother and brother-in-law, both deceased dentists. For five years, the Dental Clinic at Brooker Memorial has ensured that hundreds of uninsured children are provided with the dental care they need. His unparalleled dedication and compassion is an inspiration to us all.

Through his innumerable good works, Is has left an indelible mark on the Torrington community and the State of Connecticut. I am honored to rise today and join his wife Zena, his children; Alan, Nan, and Bruce; family, friends, and colleagues in paying tribute to Isadore Temkin as he celebrates this wonderful occasion. My best wishes for many more years of health and happiness. HAPPY BIRTHDAY!

ON BUFFALO, NEW YORK: THE ''CITY WITH HEART''

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. LAFALCE. Mr. Speaker, I want to share with my colleagues an article that appeared yesterday in the national newspaper, USA TODAY. After conducting a nationwide search for a "City with Heart", they chose my hometown of Buffalo, New York. In this great, historic city you will find four enjoyable seasons, world-class educational institutions, expansive parklands, and the finest in art and architecture. For sheer quality of life, dollar-for-dollar my money is on Buffalo.

It is with a great deal of pride that I commend to you this article entitled "Lots and Lots of Heart in Buffalo."

[From USA Today, Feb. 13, 2001]

THE CITY WITH HEART

(By Cathy Lynn Grossman)

BUFFALO—We're snowed by Buffalo.

USA Today launched a nationwide search for a ''City with Heart''—one with the energy, excitement and community fellowship that make a one-stoplight town or a swarming metropolis a treasured hometown.

Readers responded to our call with notes, poems and a bit of professional public-relations puffery, singing the praises of more than 120 communities from Tacoma, Wash., to Miami, Fla., to Barnes, a cozy English town outside London.

Some listed their towns' tourist-brochure features. But most messages zeroed in on the great, unmappable qualities like generosity of spirit—the social capital that makes people rich in human connection, says political scientist Robert Putnam, author of Bowling Alone: The Collapse and Revival of American Community (Simon & Schuster, $26).

Many Americans remember with longing those places and times where we felt those bonds, expressed in ''neighborhood parties and get-togethers with friends, the unreflective kindness of strangers, the shared pursuit of the public good.''

The people of Buffalo still know these well. And they stuffed the valentine ballot box with the most notes to tell the world the sunny truth about their oft-maligned, blizzard-thumped city.

They managed to be simultaneously proud and humble about their world-class art, architecture and grand urban parks; a great history including two U.S. presidents; and generations of immigrants and their descendants who turn every weekend from May to October into a street festival.

''Don't let the snow fool you,'' wrote Marge McMillen, listing, as many did, the city's renowned museums and music hall, schools and sports teams. ''Buffalo is a warm-hearted lady.''

So we winged into town for a day to see.

Eleven Buffalo buffs—eight of them born here—joined us for platters of chicken wings at the Anchor Bar, world famous for the spicy tidbits that legend says were invented here. Friendlier people would be hard to find.

''That's why we all come back here,'' says Dennis Warzel, one of five in the lunch group who tried living elsewhere and felt Buffalo call him home. He's now rooted here as securely as the lavish Buffalo Botanical Gardens, where he spends hours volunteering.

''That's why my parents, who retired to Florida, returned to be with their old friends,'' says Bonnie MacGregor, bass drummer in the Celtic Spirit Pipe Band. If Buffalo were a band, its tunes would be drawn from Irish, Scottish, Polish, Italian, German, Slavic, Jewish, Native American and a dozen other cultures.

''This lovable rust-belt city is full of blue-collar guys of every ethnic background who get together on Sunday to watch the Bills and remove their shirts in 35-degree weather. (We) support everything from tractor pulls to the philharmonic—and hardly any drive-by shootings,'' quips Jim Joslin.

Good neighbors keep this city's heart beating, all agree. Asked for signs of neighborliness in action, Sandra Cochran leapt to mention Friends of Night People. Lodged in a pink and white house on the edge of downtown, it's a 24-hour soup kitchen and shelter of last resort, established 32 years ago when the homeless didn't have the media attention they get today.

''Generosity here is above and beyond anyplace I've ever worked,'' says director Darren Strickland, watching volunteer Betty Dorio make bologna and cheese sandwiches. The shelter serves 72,000 meals a year and provides eye, foot and health care for 1,600 children, women and elderly annually.

MacGregor noted the Roswell Park Cancer Institute. It was the nation's first such center and one of the largest for research and treatment. Yet it is permeated by positive feelings, she says, ''Everyone smiles.''

Indeed, that very gray Monday, there was upbeat 17-year-old Dan Zak, a weekly volunteer from Canisius High School, playing the grand piano in the hotel-handsome atrium lobby.

''You can be a workaholic here, but it's optional,'' says Russell DeFazio, who hikes and plays tennis in Delaware Park. ''It's still a laid-back place.''

''We work hard, but we make time to enjoy ourselves,'' echoes Alan Kegler.

With family. With friends. With strangers. ''I wake up on a snowy day and my neighbor has already cleared my driveway,'' says Linda Storz. ''You have to catch someone in the act just to thank them.''

Ah, snow. Talk turns to that inescapable word, and once again the Buffalonians puff with pride.

''I love the coldest, snowiest days here because everyone grows closer. People come out of their houses, smiling and greeting one another on the street. It feels as safe as Mayberry and as beautiful and sentimental as a holiday greeting card,'' wrote Sara Saldi.

''It's not how much snow we get. It's how we handle it. Our city never closes. We clean up and get going where others can't,'' says Philip Wiggle.

Of course, problem-solving is second nature here in the birthplace of ''brainstorming,'' a creative thinking process developed by a local advertising executive, Alex Osborn, that soon spread worldwide. Buffalo nurtures the idea with an annual creativity conference, that has drawn hundreds of think-outside-the-box folks for 43 years.

One problem minimized: The tell-your-grandchildren-about-it-someday blizzard that dumped 25 inches of snow in a day last Nov. 20 and gave even indefatigable Buffalo pause.

Most people would be calling the moving vans if they spent seven hours of a snowstorm trapped in a subway station like Monica Huxley. But Huxley, who hadn't lived in Buffalo yet a year, wrote to USA TODAY that the helpful camaraderie among strangers led her to love her new hometown.

MacGregor was among 200 who huddled in the Christmas wonderland of the tree-decorated Hyatt hotel lobby. She recalls:

''About 11:30 p.m., ladies from the hotel's housekeeping brought around lots of blankets and told us that we should each find a Christmas tree to sleep near. They then kept the tree lights on and turned the hall lights off. We slept like little kids in a big 'sleepover' underneath the trees.''

Warzel was trapped on downtown streets for nearly 20 hours, including a stretch where a ''lady went car to car passing out Ho-Hos.'' Nancy Lynch was assured that her son, trapped at school, was housed for the night by the welcoming parents of the school neighborhood; Ellen Kern, caught for ''just 4½ hours on Maple Road in my car,'' marveled as strangers offered coffee and brushed snow from the windshields.

''For a big city, it's very small,'' says Kern.

Adds Nancy Lynch: ''When people do small nice things for one another, they tend to want to reciprocate. When the cycle is repeated over and over again over the years, you end up with a City with Heart.''

INTRODUCTION OF THE AFRICAN ELEPHANT CONSERVATION REAUTHORIZATION ACT

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GILCHREST. Mr. Speaker, as the new chairman of the House Subcommittee on Fisheries Conservation, Wildlife and Oceans, I am pleased to introduce legislation to reauthorize the African Elephant Conservation Act of 1988.

Prior to the passage of this landmark conservation law, the population of African elephants plummeted from 1.3 million animals to less than 600,000. The primary causes of this catastrophic decline were the illegal poaching of elephants and the insatiable international demand for elephant ivory. Without immediate action, it was clear that this flagship species of the African continent would continue its march toward extinction.

In response to this crisis, the Congress passed the African Elephant Conservation Act. In addition, President George H. Bush used the authority of this law to prohibit the importation of all carved ivory into the United States and to persuade the convention on the International Trade in Endangered Species of wild fauna and flora [CITES] to place the African elephant on its Appendix I list. Through this listing, a worldwide commercial ban on all products derived from the species was established in January of 1990. Due to these actions, the price of ivory, the trade in ivory, and the poaching of elephants all decreased almost immediately.

A key component of this law was the establishment of the African Elephant Conservation Fund. Under the terms of the fund, the Secretary of the Interior is charged with the responsibility of reviewing and approving meritorious conservation projects. To date, 113 conservation projects that affect elephant population in 22 separate countries have been funded. In total, $11.9 million in federal money has been obligated for these projects, matched by $51.7 million in non-federal funds.

In recent years, money has been spent to aerial monitor elephants in Kenya; assess the impact of elephants on plant and habitat biodiversity in South Africa; control elephant crop damages in Ghana; financially assist the African elephant specialist group; study forest elephants in the Central African Republic; supplement anti-poaching activities in Zimbabwe; and track the origin of African elephant ivory.

While the population of African elephants is no longer declining, and, in fact, is growing in Southern Africa, the job of conserving this magnificent specifies is far from over. The number of worthwhile unfunded projects far exceeds those receiving aid and the African Elephant Conservation Fund remains the only dedicated source of funding for this species in the world. The authorization of appropriations for the act expires on September 30, 2002 and the goal of my legislation is to extend the highly effective conservation law for an additional 5 years.

It is essential that we not allow this irreplaceable species to disappear from this planet. During the last reauthorization process, the administration testified that ''The principles embodied in this act are sound. They provide a catalyst for cooperative efforts among the governments of the world, nongovernmental organizations, and the private sector to work together for a common goal—the conservation and continued healthy existence of populations of African elephants. This is not a hand out, but a helping hand''.

I urge my colleagues to join with me in support of the African Elephant Conservation Reauthorization Act of 2001.

INTRODUCTION OF THE ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. SAXTON. Mr. Speaker, 4 years ago, I introduced the Asian Elephant Conservation Act. I took that action because I was startled to learn that there were less than 40,000 Asian elephants lived in the wild. Furthermore, nearly 50 percent of those elephants lived in various national parks in India, while the remaining animals were scattered in fragmented populations throughout 12 other countries in South and Southeast Asia.

The primary reason for this serious decline in population was the lose of essential habitat. It is no secret that elephants and man are in direct competition for the same resources. In most cases, it was the elephants who lost in those confrontations.

In addition, Asian elephants are poached for their bones, hide, meat, and teeth; they are still captured for domestication; and conflicts between elephants and people are escalating at an alarming rate. Furthermore, it was clear that millions of people were not aware of the plight of Asian elephants and that range countries lack the financial resources to help conserve this flagship species. Without an international effort, the future of the Asian elephant was in serious jeopardy.

In response to this problem, I, along with a number of other Members, proposed the establishment of an Asian elephant conservation fund. This concept was modeled after the highly successful African elephant conservation fund, and the fundamental goal of my legislation was to obtain a small amount of Federal assistance for on-the-ground conservation projects.

In testimony before my subcommittee, eight witnesses indicated strong support for my bill and their belief that it would be an effective way to assist Asian elephants. One of those witnesses, Dr. Terry Maple, the president of the American Zoo and Aquarium Association, stated that,

> This bill will provide competitive financing where it is needed most—in the wild to support protection, conservation, and management of threatened Asian elephants.

In addition, noted wildlife biologist, Doug Chadwick advised the subcommittee that

> To pass an Asian Elephant Conservation Act would be one of the most farsighted and yet practical things we could do the benefit of Americans, people throughout Asia, and the world we share.

Fortunately, this important legislation was overwhelmingly approved by both bodies, and it was signed into law on November 19, 1997.

Under the terms of P.L. 105–95, the Congress could appropriate up to $25 million to the Asian elephant conservation funds until September 30, 2002. In fact, some $1.9 million in Federal funds has been allocated and those moneys have been matched by an additional $1.1 million in private donations. Those funds have been used to underwrite 27 conservation grants in 9 different range countries.

The type of prospects funded have included: develop an elephant strategy in Sri Lanka; identification of a suitable managed elephant range in Malaysia; molecular tools for the local population assessment of Asian elephants; school education to support Asian elephant conversation in India and trace the mobility patterns, population dynamics, and feeding patterns of Sri Lankan elephants. These projects were carefully analyzed and competitively selected from a list of nearly 100 proposals that were submitted to the U.S. Fish and Wildlife Service.

While the early indications is that the worldwide population of Asian elephants has stopped its precipitous decline, it is unrealistic to believe that $3 million can save this species from extinction. Nevertheless, this law sent a powerful message to the international community that we must not allow this flagship species to disappear from the wild. The United States must continue to play a leadership role in this effort.

I, therefore, urge my colleagues to join with in support of the Asian Elephant Conservation Reauthorization Act of 2001 which will extend this vital conservation law for an additional 5 years.

INTRODUCTION OF H.R. 614, THE COPYRIGHT TECHNICAL CORRECTIONS ACT OF 2001

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. COBLE. Mr. Speaker, today I am introducing H.R. 614, the ''Copyright Technical Corrections Act of 2001.'' H.R. 614 consists of purely technical amendments to Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999 and title 17, H.R. 614 corrects errors in references, spelling, and punctuation; conforms the table of contents with section headings; restores the definitions in chapter 1 to alphabetical order; deletes an expired paragraph; and creates continuity in the grammatical style used throughout title 17.

This legislation makes necessary improvements to the Copyright Act. It is non-controversial and was passed under suspension of the rules in the 106th Congress. I urge Members to support H.R. 614.

TWENTY-SIXTH ANNUAL CAPITAL PRIDE FESTIVAL JUNE 4–10, 2001

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the 26th Annual Capital Pride Festival, a celebration of the National Capital Area's Lesbian, Gay, Bisexual, and Transgendered communities, their families and their friends and their many contributions to the District of Columbia.

Since its beginning in 1975, the Capital Pride Festival has grown from a small block party into a seven-day series of events. On Sunday, June 10, 2001, the Festival will culminate in a large downtown parade and a magnificent Pennsylvania Avenue street fair attended by people of all backgrounds from the District and the region. In 2000, over 125 contingents marched in the parade; more than 150,000 people attended the street fair in the shadow of the Capitol; and hundreds of vendors and organizations had stalls, booths, and pavilions. The street fair featured over five hours of local entertainers and national headline performers.

The citizens of the District of Columbia and I feel a special affinity for any Americans who do not share all the rights and privileges enjoyed by most citizens of the United States. I note that it has been seven years since the District of Columbia had any vote on the floor of the House of Representatives, and I remind this body that ''Taxation Demands Representation'' is deeply resented by the entire city.

My Lesbian, Gay, Bi-sexual, and Transgendered constituents feel this lack more acutely. Every April 15th they know they bear the burdens of our democracy, yet they neither have complete access to its power to redress the injustices that befall Lesbian, Gay, Bi-sexual, and Transgendered Americans, nor do they have full power to redress those special injustices which we suffer in the District of Columbia.

Congress has not yet protected sexual orientation from discrimination. Despite increasing reports of violence and physical abuse against Lesbian, Gay, Bi-sexual, and Transgendered Americans, Congress has not enacted protections against hate crimes. Congress must pass the Employment Non-Discrimination Act (ENDA). Congress must pass the Hate Crime Prevention Act. Congress must pass Permanent Partners Immigration Act. Congress must return full voting rights to the District of Columbia.

In June, we will celebrate the accomplishments of the Lesbian, Gay, Bi-sexual, and Transgendered Community and remember others who live on only in our hearts and prayers. As we celebrate and reflect, we must be ''Proud and Strong Together'' in the fight for full democracy for the District of Columbia and full civil rights for the Lesbian, Gay, Bi-Sexual, and Transgendered persons of this Great Nation.

Mr. Speaker, I ask the House to join me in saluting the 26th Annual Capital Pride Festival; its organizers, The Whitman-Walker Clinic and One-in-Ten; its sponsors; and the volunteers whose dedicated and creative energy make the Pride Festival possible.

HONORING JOLIET TOWNSHIP HIGH SCHOOLS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. WELLER. Mr. Speaker, today I honor Joliet Township High Schools (JTHS) as they celebrate their 100 year anniversary.

The Joliet Township High Schools began when the first school building's foundation was laid in the year 1900. JTHS was dedicated on April 4, 1901 and the original building was placed on the National Register of Historic Places in August of 1982. Today, Joliet Township High School has two campuses: Joliet West on Larkin Avenue and Joliet Central on East Jefferson Street.

When the building was originally dedicated, it was not only a high school but also the first home of Joliet Junior College. In 1902 the school enrollment was 125 students, but by 1917 the school had doubled in size.

When it comes to student support, Joliet Township High School has a great tradition of serving our country. During World War I, 34 students and 5 faculty members served the United States, and that number tripled during World War II. And, whenever a troop train came through Joliet, you could count on the high school band performing for them.

This high school has a rich tradition of student excellence. The high school has been recognized throughout the State of Illinois and the Nation not only in academic achievement, but in extra-curricular activities as well. From winning the National Band Title eight times, to winning the State Drama Competition six times, and most recently the 2000 Girls Softball State Title; Joliet Township High School has a tradition that spans 100 years.

Mr. Speaker, I urge this body to identify and recognize other institutions in their own districts whose actions have so greatly benefitted and strengthened America's communities.

INTRODUCTION OF THE RHINOCEROS AND TIGER REAUTHORIZATION ACT

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GILCHREST. Mr. Speaker, I am today pleased to introduce legislation to extend the authorization of appropriations for the Rhinoceros and Tiger Conservation Act of 1994, which is a landmark conservation law.

When the Congress first enacted this proposal seven years ago, the population of these two magnificent animals had fallen to record lows. It was clear that unless immediate action was taken, these species would virtually disappear from their historic range. Fortunately, Congress responded to this crisis.

In the case of the five species of rhinoceros their population status was bleak. In fact, the number of African black rhinos alone had fallen from 65,000 animals in 1970 to fewer than 2,000 in 1994. In total, there were less than 11,000 rhinos living in the wild.

While human population growth was a major factor in the destruction of the rhinoceros habitat, the other major cause of the species decline was the huge demand for products made from rhinoceros horn. Rhinoceros horn has been used for generations to treat illnesses in children and for ceremonial purposes in certain Middle Eastern countries.

Despite this grim future, the fate of the five remaining subspecies of tigers was even worse. In 1990, there were more than 100,000 tigers living in the wild. In 1994, the total was

fewer than 5,000 animals which represented a decline of 95 percent. As in the case of rhinos, the illegal hunting of tigers was the overwhelming factor in their demise. Tigers were killed for their fur, and other body parts. Tiger bone powders, wines, and tablets were used to combat pain, kidney, liver problems, rheumatism, convulsions, and heart conditions.

Despite the fact that both rhinos and tigers are internationally protected, these prohibitions have not been effective. In 1998, the Secretary of the Interior, Bruce Babbitt testified in support of reauthorizing the act when he said, ''This is a small grant program, but it is amazing how much even a small amount of money can mean to our partners in other countries. Something more intangible—but often even more important—is the boost to their morale when they realize that we, the United States care enough to help them.'' At that same hearing, the president of the American Zoo and Aquarium Association stated that, ''Passage—combined with increased appropriations for law enforcement will certainly be a bold step by the United States in ending the slaughter of the rhinoceros and tigers in the wild.''

Since its passage in 1994, Congress has appropriated $2.9 million to the Rhinoceros and Tiger Conservation Fund. This money has been matched by $4.1 million in private funding. Together this money has been used to finance 111 conservation projects in 16 range countries. These projects have included: A database on tiger poaching, trade and other wildlife crimes in India; desert Rhino conservation and research; development of national tiger action plan in Cambodia; establishment of a viable population of ''greater one-horned rhinoceros''; public education on Siberian tiger conservation; survey and habitat assessment for South China tigers; training in anti-poaching techniques for rhinoceros in southern national parks; training of staff in Nepal's Department of National Parks, and a video on tiger poaching in Russia. In addition, the National Fish and Wildlife Foundation has done a superb job of managing the Save the Tiger Fund that has helped to educate millions of people about the harmful effects of tiger poaching.

Since the establishment of this grant program, these conservation projects have helped to change international opinion on the need to protect their animals. While the job is far from complete, the population of both animals has slightly increased and there is new found hope of saving their species from extinction. However, it is essential that the availability of money to this fund be extended for an additional five years. In addition, I will work to increase the amount of appropriated money for rhinoceros and tiger projects. The good news is that the Department of the Interior financed 111 projects. The bad news is that it lacked the resources to fund some 358 other projects, many of which were highly meritorious.

I urge support for the Rhinoceros and Tiger Conservation Reauthorization Act of 2001.

SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2001

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. DAVIS of Illinois. Mr. Speaker, I rise to support House Resolution 2 Social Security and Medicare Lockbox Act, the Social Security is the Nation's largest retirement and disability program providing cash benefits to 44 million retired and disabled workers and to their dependents and survivors. Medicare provides 39 million of them with health insurance. Today, 1 out of 6 Americans receive Social Security; 1 out of 7 receives Medicare. About 155 million workers paid taxes to support the two programs. A major issue for President George W. Bush will be to provide a fiscal responsible plan for maintaining the solvency of the Social Security System while guaranteeing income for America's retired and disabled workers.

Historically, Social Security has been a ''pay-as-you-go'' system. Ninety percent of the payroll taxes paid by workers are immediately spent as benefits to current Social Security recipients. The other 10 percent goes into the Social Security Trust Fund for payment of future benefits. Here lies the problem. In 1950 it took 16 workers to support 1 beneficiary on Social Security compared to 3.4 workers to support 1 recipient today. Mr. Speaker the American people demand that the Social Security and Medicare surpluses will not be used for anything other than their current purposes. Even if, the current $2.7 trillion projected surpluses that are available for tax and spending initiatives will be used up by President Bush's tax cut for the wealthiest 1 percent and other items that are associated with debt service costs. Spending our surpluses projected for the next 10 years leaves us nothing to protect Social Security and Medicare.

INTRODUCING H.R. 615, THE INTELLECTUAL PROPERTY TECHNICAL AMENDMENTS ACT OF 2000

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. COBLE. Mr. Speaker, today I introduce, H.R. 615, ''The Intellectual Property Technical Amendments of 2001.'' As my colleagues know, the success of our economy and quality of modern life can be directly attributed to the innovation and genius of our patent and trademark system whether, it be in the fields of computers, media, aerospace, or bio-technology.

In 1999, Congress successfully passed landmark legislation to modernize our patent system and transform the Patent and Trademark Office (PTO) into a more autonomous and efficient agency. This legislation—the ''American Inventors Protection Act''—was the most significant reform of its type in a generation, and it represented five years of hard work by a large, diverse group of Members, Administration officials, inventors, union representatives, and businesses.

At the same time, the Act contained a small number of clerical and other technical drafting errors. Today, I offer the opportunity for my colleagues to work with me to remedy these errors within this bill. In addition, this bill makes a small number of other non-controversial changes requested by the PTO. For example, it changes the title of the chief officer of the PTO from ''Director'' to ''Commissioner.'' It also clarifies some of the agency's administrative duties and the protections for the independent inventor community.

This bill represents the progress made last session when the House was able to pass it (H.R. 4870) by a unanimous voice vote under suspension of the rules. The bill is being reintroduced in virtually the identical form as passed last year in order to expedite these house-keeping processes. Additional changes requested by others have been placed on the back burner for the present, since these revisions still require further review. Rest assured, there will be opportunities during the rest of the session for continued legislative oversight and innovation in these areas.

I urge all Members to support this innovation-friendly legislation.

PERSONAL EXPLANATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. SOUDER. Mr. Speaker, last evening I was unavoidably detained—specifically, two consecutive flights from Fort Wayne were grounded because of mechanical problems—and missed the votes congratulating President Sharon of Israel and guaranteeing a lock box on Social Security and Medicare funds. Had I been here, I would have supported both bills.

The problems in the Middle East are longstanding. I had the opportunity to meet President Sharon on several occasions. He is a tough but fair man. Israel, constantly pressed by those who challenge its right to exist, needs a strong leader at this time. We stand behind one as he faces the difficult times ahead.

I would also like to insert the following articles about the late Reverend Joseph White into the CONGRESSIONAL RECORD.

Reverend Jesse White was my friend. He was a friend to thousands and thousands of people.

He was a friend even to many he did not know because through his pioneering efforts he advanced the basic civil rights of many who may have been deprived of such rights without his efforts.

Not too many of us can look back and truly say we were a prophet. Dr. White was a prophet. He, and other pioneers in civil rights, had dreams that are now becoming reality.

Complete justice has not been achieved. But without Dr. White there would be less justice.

Not only does he leave behind a history, through his family, his legacy lives on. His sons carry on his ministry in different ways.

His daughter has been active in government and in promoting education training and opportunities.

We will miss Dr. White's leadership in Fort Wayne and his national influence as well.

REV. WHITE DEMANDED EQUALITY

If the civil rights movement over the last half-century was embodied in any single Fort Wayne resident, surely it was the Rev. Jesse White, 73, who died Monday.

Tall, with a linebacker's physique and a booming baritone voice that was equally effective in soft conversation as a in delivering a sermon or demanding justice, the pastor of True Love Baptist Church had the rare ability to cut an imposing yet approachable presence in any room he entered.

Parishioners, friends and public officials will remember the Rev. White as much for his compassion in helping and serving people as in his passion for fighting for civil rights. For instance, one of his longtime friends, former City Councilman Charles B. Redd, remembers White as the civil rights leader who charged into a closed Fort Wayne Community Schools board meeting. But he also remembers the minister who would open his wallet to people in need, a caring pastor who ordered a youth caught looting a parishioner's car be taken not to jail but to the front of the congregation, where he prayed with the youth and asked the congregation to grant forgiveness.

His commanding presence and eloquence in giving voice to the wrongs of racism through a number of lenses—religion, the Constitution, economics, personally—made him a natural leader. He protested segregated Fort Wayne restaurants in the 1950s and 1960s. It was the Rev. White who helped direct a black boycott of Fort Wayne Community Schools in 1969, applying as much pressure on other black ministers to urge their congregations to participate as on the white leaders of the school system.

The Rev. White chose his battles wisely, a natural ability borne from the heart and soul, not public relations concerns, self-interests or pressure from others. ''He was the kind of person who would do his own assessment, whether it was right or wrong, whether it was justice or injustice,'' Redd said.

Though he kept his long, signature sidebars long after they had become passe in a fashion sense, the Rev. White's approach changed along with the times. As the leader of the local Operation Breadbasket in the early 1980s, White set about to address the economic legacy of racism, leading boycotts—and negotiations—with national department store and grocery chains, urging them to hire more blacks at their Fort Wayne outlets. By the 1990s, White concentrated on helping the economically disadvantaged people in his own southeast neighborhoods, opening the 30-unit True Love Manor for senior citizen housing and the 52-unit Adams and Bruce Housing for people with disabilities. True Love's computer learning center helped more than 1,500 students ages 6 to 86 learn and upgrade their computer skills.

Through his ministry, his leadership in civil rights and his personal compassion, the Rev. Jesse White enriched his church, his neighborhood and Fort Wayne as a whole. He will be truly missed.

FIGHTER FOR JUSTICE CHANGED THE CITY

(By Frank Gray)

When NAACP President Michael Latham heard last month that the Rev. Jesse White was ill, he went to his house immediately.

''I'm in tears, and he's still Dr. White,'' Latham said. ''He never changed.''

A week ago, White was still teaching at True Love Baptist Church, treating the disease that would quickly kill him as just something else to deal with.

Even on Saturday, as he lay in the hospital, unable to respond when Latham asked him whether he was OK, White signaled with his-hand that everything was all right.

''He was full of life, not afraid of death,'' Latham said.

That's what White was like, unafraid of any showdown. He was used to them. In his 45 years in Fort Wayne, he'd had plenty, with companies, schools, even his own church at one point.

''Rev. White realized that things weren't going to change if someone didn't take action, so he led the march, he made the pronouncements that things were unfair,'' said Charles Redd, a former City Council member who had worked with White for decades.

''This community should be grateful,'' said the Rev. Temae Jordan. ''We're enjoying the benefit of the struggles he took on.''

Sometimes it was fun. White would occasionally have lunch with Redd at the Chamber of Commerce so plenty of people would see them and wonder what they were planning, Redd said. In reality, most of their serious discussions of strategy took place while bowling, he said.

Sometimes it was tense and serious.

When a local manufacturing company fired a handful of black workers for minor infractions several years ago. White thought the firings looked like a setup. he supported the fired workers as they picketed the company. He took their case to the top of the company. The business was afraid of repercussions from white workers if the fired workers were rehired, Redd said, but White created enough pressure that the men were reinstated.

Arguing that people without economic power have no power at all, White spearheaded boycotts of groceries and department stores to pressure them to hire more minority employees, and won.

His best-known boycott sowed seeds that are still growing today.

In 1969, White, along with officials in the Urban League and NAACP, protested that Fort Wayne schools were segregated. They presented solutions to the school board.

They were quickly rejected.

So White helped lead a boycott of Fort Wayne Community Schools. His and other churches established freedom schools and announced that black students would refuse to attend classes in the Fort Wayne schools.

Ninety-five percent of black students honored the boycott. Photos showed classrooms empty or with only one or two students.

Within days, the state took the side of the boycotters, forbidding the Fort Wayne district to build new schools or make additions to existing buildings.

It took two years, but a plan to eliminate segregation was approved, and the first magnet school, which draws students from across the district, was established.

The magnet school concept, long since expanded after later lawsuits, was first presented a generation ago by a group that included White.

White was one of a dwindling group, a man who took to the streets to call attention to things he didn't consider just.

In that sense he was a product of his time. He arrived in Fort Wayne at a time when the media didn't show up when a black man wasn't allowed to get on a bus. They only showed up when someone protested and boycotted. So that is what White did.

That had changed in the last 10 years or so for two reasons.

Times themselves had changed, Jordan said. Also, ''When you're out on the front line, you see issues, but as you get older you realize that your greatest calling is to be a shepherd.''

Until late last week, that was where the Rev. Jesse White could be found, shepherding people at the church he founded, though he knew he was also staring death in the face.

[From the Journal Gazette]

RIGHTS ACTIVIST JESSE WHITE DEAD AT AGE 73

(By David Gilner)

Nearly paralyzed by the brain tumor that would take his life three days later, the Rev. Jesse White insisted on leading a funeral service Friday for a parishioner he had baptized.

Three mem physically supported the Rev. White, one of Fort Wayne's most renowned civil rights leaders, as he warned the audience about life's fleeting nature.

''Don't waste your time, young people, for time is a master,'' his daughter, Rhonda White, recalled him saying. ''Once a second or a minute or a day goes by, you can not grab it back.''

The Rev, White 73, knew how prophetic his words would be.

About 2 a.m. Saturday, the pastor was admitted to Lutheran Hospital, where he died at 2:30 a.m. Monday.

City officials and civic leaders throughout Fort Wayne mourned the loss of a man who spent more than half a century fighting racism.

Glynn Hines, Fort Wayne City Council's only black member, said the Rev. White was an icon of activism, who lived by the seize-the-day philosophy he promoted with his final sermon.

'''That's his spirit of can-do, and I think he instilled that on many young people who came through his congregation,'' said Hines, who was baptized by the Rev. White in 1962.

A potent speaker and powerful singer, the Rev. White was a key member of Fort Wayne's ''old guard'' civil rights leaders who organized marches and boycotts to raise awareness of inequality.

Even in recent years, his thick glasses and thicker white sideburns could be spotted at rallies against crime on the city's southeast side.

''He may have been pleased with the inches of progress, but he was looking for miles,'' Hines said. ''He always used to say, 'You'll know there's not a need to fight when there's not a need to fight.' ''

The Rev. White was born in Natchez, Miss., in 1927. Traveling with a group of gospel singers, he first came to Fort Wayne in 1953. The next year, he made the city his home.

He became pastor of Progressive Baptist Church in 1955 and married Ionie Grace England in 1956. They had nine children.

In 1969, segregation sparked him to help lead a high-profile boycott against Fort Wayne Community Schools. He marched nationally and at home to raise awareness of discriminatory hiring at banks, super-markets and retailers. He became a confidant of Jesse Jackson, whose presidential campaigns the Rev. White helped coordinate in 1984 and 1988.

Progressive Baptist grew under the Rev. White's leadership, becoming Greater Progressive Baptist Church after moving into its

seventh home in 1972. A power struggle and allegations of financial impropriety led the Rev. White to resign from Greater Progressive and found True Love Baptist Church in 1974.

Both churches became major players on Fort Wayne's civil rights front. Any friction between the two was forgotten, said Greater Progressive Pastor Ternae Jordan.

Jordan became pastor 16 years after the Rev. White's resignation, and he was excited about the chance to work alongside the Rev. White.

''There was no animosity between Dr. White and myself,'' Jordan said. ''I knew the name of Jesse White before I even came to Fort Wayne. I grew up in the home of a minister, and Jesse White was a household name in African-American homes across the country.''

The Rev. White became president of the local Council of Civic Action, brought Operation Bread-basket to Fort Wayne and was president of the local chapter of Jackson's Operation P.U.S.H.

His first wife died in 1993, and he married Vanessa Atkins in 1995.

Funderal services will be 10 a.m. Saturday at True Love Baptist Church, 715 E. Wallace St. Calling will be 9 a.m. to 4 p.m. Friday at Calvary Temple Worship Center, 1400 W. Washington Center Road.

A memorial service will be 5 to 8 p.m. Friday. He will be buried in Lindenwood Cemetery.

REV. JESSE WHITE REMEMBERED AS ''DRUM MAJOR FOR JUSTICE''

(By Kevin Kilbane)

The Rev. Michael Latham remembers the phone calls.

When Latham first became a pastor 12 years ago, the Rev. Jesse White would call once a week to see how the younger man was doing.

At least once a month, White would call on Sunday morning to encourage Latham before the young man went off to lead Renaissance Missionary Baptist Church in worship. White, the pastor of True Love Baptist Church, always ended the conversation with the words, ''Preach good.''

''He was my mentor,'' Latham said of White, 73, who died Monday after a short illness.

During nearly 50 years of ministry in Fort Wayne, friends and White showed the same concern for other young pastors, people in need and those facing racial discrimination.

''I guess you could call him a drum major for justice,'' said Hana Stith, chairwoman of the African/African-American Historical Museum. ''He really was.''

The funeral service for White will be 10 a.m. Saturday at True Love Baptist, 715 E. Wallace St. Calling will be 9 a.m.–4 p.m. Friday at Calvary Temple Worship Center, 1400 W. Washington Center Road. A memorial service will follow from 5 to 8 p.m.

White, who moved to Fort Wayne in the early 1950s, first made an impact locally during the civil rights struggle of the late 1950s and early 1960s.

As president of the Civic Action Committee, he led other local African-American pastors in opening restaurants that had refused to serve minorities, recalled the Rev. James Bledsoe of St. John Missionary Baptist Church.

The committee intervened when companies refused to hire minorities or to treat them fairly, said Bledsoe, president of the local African-American pastors' Inter-denominational Ministerial Alliance.

In addition, White and the committee led protests against racial segregation in the Fort Wayne Community Schools district.

In fall 1969, for example, the pastors organized a boycott that kept 1,300 children out of schools. Children attended ''freedom schools'' in the churches for nine days before FWCS agreed to provide the students with equal educational resources.

''He didn't fear any retribution,'' Stith said. ''He just stepped up and did what was right.''

White also touched many lives through his dynamic preaching and as a mentor, clergy said.

First as pastor of Progressive Baptist Church from 1955 to 1974, and then as leader of True Love Baptist, which he founded in 1974, White was a frequent guest speaker at local pulpits.

''If anybody would call Dr. White to come and speak, he would never say no,'' Latham said.

White's preaching ability also frequently set up and preached at out-of-town crusades as part of his duties as chairman of the National Baptist Convention's evangelistic board, Bledsoe said.

''I do a lot of traveling,'' Bledsoe said, ''and when I say I'm from Fort Wayne, they say, 'Oh, you are from Jesse White's town.'''

But despite a busy schedule, White was always willing to help with a community or personal need, said the Rev. Vernon Graham, executive pastor of Associated Churches of Fort Wayne and Allen County.

''He was like the tall oak tree,'' Graham said. ''He was one of the pastors the younger pastors would turn to for advice and counseling.''

Graham also frequently asked White's help in planning or carrying out Associated churches' projects. Those efforts have included establishing food banks and other programs to help the needy, and initiatives to heal racial division.

Through White's work, Latham and other pastors noted, present generations enjoy the freedom and opportunities they have now.

''Dr. White was one of the ones who paved the way,'' Latham said ''I think what we are doing today is standing on his shoulders.''

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 15, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 27

11 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Army Corps of Engineers.
SD–138

FEBRUARY 28

9 a.m.
Indian Affairs
To hold hearings to receive the views of the Department of the Interior on matters of Indian Affairs.
SR–485

MARCH 13

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.
SD–124

MARCH 27

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.
SD–124

APRIL 3

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.
SD–124

APRIL 24

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.
SD–124

MAY 1

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.
SD–124